

**B**

ACCEPTANCE OF PLEA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

VS.

CRIMINAL NO. JFM-93-0419

MUMIN SAHIB ABDULLAH  
COREY LORENZO WOODFOLK

DEFENDANTS

Baltimore, Maryland

September 13, 1994

The above-entitled case came on for  
rearraignment before the Honorable J. Frederick  
Motz, Chief Judge

A P P E A R A N C E S

For the Government:

Susan M. Ringler, AUSA  
Andrea Smith, AUSA

For Defendant Abdullah:

Michael Kaminkow, Esquire

For Defendant Woodfolk:

George McDowell, Esquire

Gail A. Simpkins, RPR  
Official Court Reporter

P R O C E E D I N G S

THE COURT: Ms. Ringler?

MS. RINGLER: Your Honor, the government calls the case of United States versus Philip Edward Roberson and Corey Lorenzo Woodfolk, JFM-93-0419. We are here this afternoon, Your Honor, for the purpose of rearraigning Mr. Roberson and Mr. Woodfolk on Count 1 of the second superseding indictment.

THE COURT: All right. Ms. Turner?

THE CLERK: Would you both please rise and raise your right hands?

(The defendants affirmed.)

THE CLERK: I would like to start with Mr. Woodson, please.

DEFENDANT WOODFOLK: Woodfolk.

THE CLERK: Woodfolk, I am sorry.

Would you please state your name for the record?

DEFENDANT WOODFOLK: Corey Lorenzo.

THE CLERK: Would you state your age and your date of birth?

DEFENDANT WOODFOLK: I am 25 years old, 3/9/69.

THE CLERK: Sir, previously you were arraigned before the United States Judge Magistrate. At that time you pled not guilty to Counts 1, 2, 5, 7 and 10 of the second superseding indictment. Do you wish to

1 change your plea at this time.

2 MR. MCDOWELL: To Count 1, yes, ma'am.

3 THE CLERK: You wish to plead guilty to Count 1;  
4 is that correct, sir?

5 DEFENDANT WOODFOLK: Yes, ma'am.

6 THE CLERK: You maintain not guilty to the other  
7 counts; is that correct, sir?

8 MR. MCDOWELL: Yes.

9 THE COURT: How do you plead guilty to Count 1 in  
10 the case? I didn't hear you. How do you plead guilty  
11 to Count 1?

12 Mr. Woodfolk, how do you plead guilty to Count  
13 1?

14 DEFENDANT WOODFOLK: Oh. I said guilty.

15 THE COURT: I am sorry. I didn't hear you. Go  
16 ahead.

17 THE CLERK: Mr. Roberson --

18 MR. KAMINKOW: Your Honor, before we begin as to  
19 Mr. Roberson, he would like the court record to reflect  
20 that his legal name is Mumin Sahib Abdullah and would  
21 like to be referred to as that, and not Roberson.  
22 Roberson was the name he was given at birth, but he has  
23 legally changed his name. Is that correct, sir?

24 DEFENDANT ABDULLAH: Yes, sir.

25 MR. KAMINKOW: And would like to be referred to

1 by what the indictment refers to as also known as, but  
2 is his proper name, which is his proper name.

3 THE COURT: Thank you.

4 THE CLERK: Mr. Abdullah, would you just state  
5 your name for the record?

6 DEFENDANT ABDULLAH: Yes, ma'am, Mumin Sahib  
7 Abdullah.

8 THE CLERK: Your age and date of birth, sir.

9 DEFENDANT ABDULLAH: I'm 37, 9/1/57.

10 THE CLERK: I'm sorry?

11 DEFENDANT ABDULLAH: 9/1/57.

12 THE CLERK: Sir, previously you were arraigned  
13 before the United States Magistrate, and at that time  
14 you pled not guilty to Counts 1, 2, 3, 4, 6, 8 and 9 of  
15 the second superseding indictment. Do you wish to  
16 change your plea at this time?

17 DEFENDANT ABDULLAH: Yes, ma'am.

18 THE CLERK: How do you wish to plead?

19 DEFENDANT ABDULLAH: Guilty to the first count of  
20 conspiracy.

21 THE CLERK: Guilty to Count 1; is that correct  
22 sir?

23 DEFENDANT ABDULLAH: Yes.

24 THE CLERK: You maintain you are not guilty for  
25 the remaining counts?

1 DEFENDANT ABDULLAH: Yes, ma'am.

2 THE COURT: Mr. Abdullah, Mr. Woodfolk, before I  
3 accept your pleas, I need to be satisfied of certain  
4 things, so I am going to ask your some questions. What  
5 I will do is ask, to the extent it is a common  
6 question, I will ask it to you both and Mr. Abdullah, I  
7 ask you to answer first; Mr. Woodfolk, I ask you to  
8 answer second, please.

9 If you do not understand any of my questions, do  
10 not hear any of my questions or have any questions  
11 whatsoever about my questions, please let me know, all  
12 right?

13 DEFENDANT ABDULLAH: Yes, sir.

14 DEFENDANT WOODFOLK: Yes, sir.

15 THE COURT: Do each of you understand that you  
16 are under oath, so that if you knowingly give a false  
17 answer to any question, you could be prosecuted for  
18 perjury?

19 DEFENDANT ABDULLAH: Yes.

20 DEFENDANT WOODFOLK: Yes, Your Honor.

21 THE COURT: Now, how far have each of you gone in  
22 school. Mr. Abdullah?

23 DEFENDANT ABDULLAH: I have been to college a few  
24 semesters.

25 THE COURT: Mr. Woodfolk?

1 DEFENDANT WOODFOLK: College, Your Honor.

2 THE COURT: Beg your pardon?

3 DEFENDANT WOODFOLK: College.

4 THE COURT: In the last 24 hours, have you taken  
5 any drugs?

6 DEFENDANT ABDULLAH: No, sir.

7 DEFENDANT WOODFOLK: No, Your Honor.

8 THE COURT: Have you consumed any alcohol?

9 DEFENDANT ABDULLAH: No.

10 DEFENDANT WOODFOLK: No.

11 THE COURT: Are you satisfied with the services  
12 that your counsel have given to you in this case?

13 DEFENDANT ABDULLAH: Yes, I am.

14 DEFENDANT WOODFOLK: Yes, I am.

15 THE COURT: Now I am going to describe for each  
16 of you what the charge is to which you are pleading  
17 guilty and ask each of you, when I am finished, if you  
18 understand the elements that I state of what the  
19 government would have to prove if the case went to  
20 trial.

21 If this case did go to trial, the government  
22 would have to prove that beginning on or in the time,  
23 in the approximate time stated in the indictment, which  
24 is January of 1991 to January of 1994, you agreed with  
25 one another, and perhaps others, to distribute a

1 kilogram or more of a mixture containing a detectable  
2 amount of cocaine.

3 This is a conspiracy count. The government would  
4 have to prove that you conspired, that you agreed with  
5 at least one other person, and here it is each of you  
6 plus, you could agree with one another and/or with  
7 other people, that each of you entered this agreement  
8 knowingly and voluntarily, that you knew not only that  
9 the substance being distributed was --

10 MS. RINGLER: It is heroin, Your Honor, not  
11 cocaine.

12 THE COURT: Excuse me. If I said cocaine, I  
13 meant heroin, that you knew it was heroin. To be found  
14 guilty of this offense, the government would also have  
15 to prove that you knew that the amount involved was a  
16 kilogram or more.

17 The government would have to prove that someone  
18 who was part of this agreement or conspiracy took what  
19 is called an overt act under the law, that is a step to  
20 further the object and purposes of the conspiracy, and  
21 that at least one of those steps is outlined here, one  
22 of these overt acts is outlined in the, is as stated in  
23 the indictment, and for purposes for what is called  
24 venue, that is for bringing the case here in Maryland,  
25 that one of those overt acts would have to have been



1 taken here in Maryland.

2 Do you understand that is what the government  
3 would have to prove if the case went to trial?

4 MR. KAMINKOW: Mr. Abdullah has one question.

5 THE COURT: Yes, sir.

6 MR. KAMINKOW: That was what did Your Honor mean  
7 when you said that you would have to know that you were  
8 distributing more than a kilo?

9 THE COURT: That would be an element of the  
10 offense being pled guilty to.

11 MS. RINGLER: He would have to know that during  
12 the --

13 THE COURT: What I mean is -- but an element of  
14 the offense is a kilogram or more is involved, right?

15 MS. RINGLER: That is correct.

16 THE COURT: Correct me if I am wrong, the  
17 government would have to prove that you would know,  
18 that either yourself or that someone who was part of  
19 this conspiracy, it wouldn't have to be yourself, but  
20 you would have to know that as part and during the  
21 period of this conspiracy, essentially a kilogram or  
22 more of heroin was being distributed.

23 DEFENDANT ABDULLAH: Yes, sir, I understand  
24 better now.

25 THE COURT: Mr. Woodfolk, do you understand what

1 I stated to be the elements of the offense?

2 DEFENDANT WOODFOLK: Yes.

3 THE COURT: Mr. Abdullah, thank you for asking a  
4 question. If you have any questions, I want you to ask  
5 me. I don't mean to be frowning. If I frown in  
6 answering, it is not because I am upset, it is because  
7 I am trying to make, I am working to make sure that you  
8 understand.

9 DEFENDANT ABDULLAH: Yes, sir.

10 THE COURT: Do you understand that the maximum  
11 penalty to which you are subject under the applicable  
12 statute, maximum sentence to which you are applicable  
13 is life imprisonment, and if it was something less than  
14 life, or life with some kind of credit given after you  
15 received the life imprisonment, a term of supervised  
16 release of five years?

17 I put it that way because it sounds a little  
18 silly to say life imprisonment, followed by a term of  
19 supervised release of five years. If it is less than  
20 life or if part of the sentencing credits would lend to  
21 you getting out, but essentially the maximum would be  
22 life imprisonment, followed by a term of supervised  
23 release of five years, a fine of four million dollars,  
24 plus a \$50 special assessment.

25 Do you understand that that is the maximum to

1       which you would be subject under the applicable  
2       statute?

3               DEFENDANT ABDULLAH:   Yes, sir.

4               DEFENDANT WOODFOLK:   Yes, Your Honor.

5               THE COURT:   Do-you understand that some of those  
6       things are also minimums.   You have to be sentenced to  
7       at least ten years imprisonment, that is a mandatory  
8       statutory minimum, plus the \$50 special assessment is a  
9       mandatory minimum.

10              Do you understand that?

11              DEFENDANT ABDULLAH:   Yes, I do.

12              DEFENDANT WOODFOLK:   Yes.

13              THE COURT:   Does anybody remember, other than the  
14       guidelines, is there a statutory supervised release  
15       mandatory minimum?   There is none to my knowledge.

16              MS. SMITH:   I will check.

17              MR. MCDOWELL:   I believe there is not for  
18       conspiracy, sir.

19              THE COURT:   Beg your pardon?

20              MR. MCDOWELL:   There is not for conspiracy.

21              THE COURT:   There is not for conspiracy.   All  
22       right.

23              MS. RINGLER:   Just a maximum.

24              THE COURT:   Now do each of you also understand  
25       that you are subject to what are called the Sentencing

1 Guidelines?

2 DEFENDANT ABDULLAH: Yes, Your Honor.

3 DEFENDANT WOODFOLK: Yes, Your Honor.

4 THE COURT: Do you understand that the Sentencing  
5 Guidelines are essentially issued by the United States  
6 Sentencing Commission? It is an agency called the  
7 United States Sentencing Commission.

8 Do you understand that?

9 DEFENDANT ABDULLAH: Yes.

10 DEFENDANT WOODFOLK: Yes.

11 THE COURT: Do you understand that the Court --  
12 let me back off.

13 Do you understand that the guideline which  
14 applies in a particular case depends upon a wide  
15 variety of factors. I can't go through them all with  
16 you. I think when I go through the plea agreement with  
17 you, I will go through some of the ones involved in  
18 this case in a little more detail, but it does depend  
19 upon a variety of factors, which would include the  
20 amount of the drug involved, the type of the drug  
21 involved.

22 Just glancing through the plea agreement, I see  
23 that there may be issues in this case as to whether or  
24 not, during the course of the conspiracy, a firearm was  
25 brandished, whether or not there has been any

1 obstruction of justice, whether or not there was death  
2 resulting from the conduct alleged, whether or not  
3 there was significant physical injury resulting,  
4 whether there was unlawful restraint of anyone who was  
5 killed or injured, whether and to the extent of  
6 property loss, and the use of weapons. These are the  
7 kinds of things which -- plus your criminal record --  
8 these are the kinds of things which determine what  
9 guideline applies.

10 Do you understand that?

11 DEFENDANT ABDULLAH: Yes, Your Honor.

12 DEFENDANT WOODFOLK: Yes, Your Honor.

13 THE COURT: Do you understand that the Court must  
14 sentence you within the applicable guideline after all  
15 the issues relating to the guidelines have been  
16 resolved, unless it finds that there is a particular  
17 reason that applies in your case that the Sentencing  
18 Commission did not consider or did not consider  
19 adequately when it set the guideline.

20 DEFENDANT ABDULLAH: Yes.

21 DEFENDANT WOODFOLK: Yes, Your Honor.

22 THE COURT: Now by pleading guilty, you are  
23 giving up some very important rights. I am sure you  
24 know, but I want to review them with you and make sure  
25 that you know what they are and that you are

1 voluntarily waiving these rights.

2 Do you understand that you have a right to a  
3 trial by jury?

4 DEFENDANT ABDULLAH: Yes.

5 DEFENDANT WOODFOLK: Yes, Your Honor.

6 THE COURT: Do you understand that if you wanted  
7 to waive your right to a trial by jury, and the  
8 government was willing to waive its right to a trial by  
9 jury, you could be tried by a United States district  
10 judge?

11 DEFENDANT ABDULLAH: Yes.

12 DEFENDANT WOODFOLK: Yes.

13 THE COURT: Do you understand that in any trial  
14 you would have the right to be represented by a  
15 lawyer?

16 DEFENDANT ABDULLAH: Yes.

17 DEFENDANT WOODFOLK: Yes.

18 THE COURT: Do you understand that if you could  
19 not afford a lawyer, one would be appointed to  
20 represent you at the government's expense?

21 DEFENDANT ABDULLAH: Yes.

22 DEFENDANT WOODFOLK: Yes, Your Honor.

23 THE COURT: Do you understand that at any trial  
24 you would be presumed innocent, and the burden would be  
25 on the government to prove your guilt beyond a

1 reasonable doubt?

2 DEFENDANT ABDULLAH: Yes.

3 DEFENDANT WOODFOLK: Yes.

4 THE COURT: Do you understand that in any trial  
5 you would have the right to cross-examine, that is to  
6 ask questions of everyone who testified against you?

7 DEFENDANT ABDULLAH: Yes.

8 DEFENDANT WOODFOLK: Yes.

9 THE COURT: Do you understand that in any trial  
10 you would have the right to compel people to come in  
11 and testify on your behalf by having subpoenas issues  
12 to them?

13 DEFENDANT ABDULLAH: Yes, Your Honor.

14 DEFENDANT: WOODFOLK: Yes.

15 THE COURT: Do you understand that if you wanted  
16 to, you could take the stand and testify in your own  
17 defense?

18 DEFENDANT ABDULLAH: Yes.

19 DEFENDANT WOODFOLK: Yes, Your Honor.

20 THE COURT: Do you understand that on the other  
21 hand, if you did not want to testify for whatever  
22 reason, no one could force you or compel you to take  
23 the stand?

24 DEFENDANT ABDULLAH: Yes.

25 DEFENDANT WOODFOLK: Yes.

1 THE COURT: Do you also understand that if you  
2 decided not to testify for whatever reason, no one  
3 could draw what the law calls to be an adverse  
4 inference from that fact; that is, that no one could  
5 infer that you were a bad person, that you were guilty  
6 or else anything else bad about your side of the case?  
7 Do you understand that.

8 DEFENDANT ABDULLAH: Yes.

9 DEFENDANT WOODFOLK: Yes.

10 THE COURT: Do you understand that if you chose  
11 to be tried by a jury, in order to be convicted, your  
12 verdict, excuse me, their verdict would have to be  
13 unanimous, that they would all have to agree that you  
14 were guilty?

15 DEFENDANT ABDULLAH: Yes.

16 DEFENDANT WOODFOLK: Yes.

17 THE COURT: Do you understand by pleading guilty  
18 you are giving up each and every one of those rights?

19 DEFENDANT ABDULLAH: Yes, sir.

20 DEFENDANT WOODFOLK: Yes.

21 THE COURT: Do you also understand that you are  
22 giving up any right to move to suppress any statements  
23 that may have been made, any evidence that was seized,  
24 any issues relating to severance, defendants, counts,  
25 wiretap issues which were addressed by pretrial



1 motions, that all of these kinds of motions, that you  
2 are waiving your right to proceed with them; do you  
3 understand that?

4 DEFENDANT ABDULLAH: Yes, sir.

5 DEFENDANT ABDULLAH: Yes, Your Honor.

6 THE COURT: Now I also need to be satisfied that  
7 you are voluntarily entering this plea. Has anybody  
8 used any force or made any threats against you to get  
9 you to enter this plea.

10 DEFENDANT ABDULLAH: Well, Your Honor, in my  
11 situation, when I first got arrested and they said  
12 United States of America versus me, I knew I was at a  
13 loss right then because there is no way in the world I  
14 could win against the United States of America. I did  
15 some things that I shouldn't have done. Now I am  
16 fessing up to them and looking for some mercy. That is  
17 all.

18 THE COURT: Understanding that is your state of  
19 mind, though, has anybody used any force or made any  
20 threats against you?

21 DEFENDANT ABDULLAH: No, sir.

22 DEFENDANT WOODFOLK: No, Your Honor.

23 THE COURT: I have here a letter in each of your  
24 cases. Mr. Abdullah, in your case it is number,  
25 Government Exhibit Number 2. Mr. Woodfolk, in your

1 case it is Government Exhibit Number 1 for purposes of  
2 this proceeding.

3 On the last page of each of those letters, it  
4 appears that each of you have signed that letter. Of  
5 course, I have the original here. I believe you have  
6 copies there.

7 Did each of you read and sign your respective  
8 plea letter?

9 DEFENDANT ABDULLAH: Yes, I did.

10 DEFENDANT WOODFOLK: Yes, Your Honor.

11 THE COURT: Right above each of your signatures  
12 it says, I have read this agreement and carefully  
13 reviewed every part of it with my attorney. My  
14 attorney has explained all of my options to me, and I  
15 am satisfied with the legal representation that I have  
16 received. I understand this agreement and I  
17 voluntarily agree to it.

18 Is that true?

19 DEFENDANT ABDULLAH: Yes.

20 DEFENDANT WOODFOLK: Yes, Your Honor.

21 THE COURT: Let me state what I understand the  
22 terms of the plea agreement to be, and I will start  
23 with Mr. Abdullah, to the extent appropriate. Mr.  
24 Woodfolk, I will ask you to listen carefully as I go  
25 through these because to the extent they are the same,

1 I will simply incorporate by reference what I asked  
2 him.

3 Mr. Abdullah, I now address you. You agree to  
4 plead guilty to Count 1, as you are doing, Mr.  
5 Abdullah. You and the government then enter into a  
6 stipulation or an agreement as to what the appropriate,  
7 at least what some of the appropriate guideline factors  
8 are for purposes of sentencing.

9 You understand that even as to the ones you do  
10 agree, I will ask you that now, right now, that I am  
11 not bound by that. Indeed, I am duty bound to sentence  
12 you to the facts as I find them to be.

13 Do you understand that?

14 DEFENDANT ABDULLAH: Yes, sir.

15 THE COURT: I ask you, Mr. Woodfolk, the same.

16 DEFENDANT WOODFOLK: Yes.

17 THE COURT: The base offense level is 32 because  
18 at least one kilogram, and not more than three  
19 kilograms, are involved.

20 There is also an agreement that there should be a  
21 three-level increase in your case, Mr. Abdullah,  
22 because of your role in the offense.

23 It is also agreed that if you admit to conduct  
24 set forth in the second superseding information,  
25 indictment, excuse me, and that you are cooperative and

1 truthful with the Probation Department as to that  
2 conduct, then you will be entitled to a three-level  
3 reduction in the offense level.

4 Let me ask counsel for a minute, and it may be  
5 that it is meant to be written this way, I just want to  
6 make sure. When you say admitted -- excuse me. I  
7 think I said the word conduct. What I should have said  
8 was the word drug conduct.

9 MR. KAMINKOW: That is right.

10 MS. RINGLER: Just to clarify, Your Honor --

11 THE COURT: You don't need to clarify. It was  
12 that issue that I wanted to hone in on.

13 The only thing that you need for acceptance of  
14 responsibility is to accept the so-called drug conduct,  
15 which I take it would be things related to the  
16 distribution of the drugs themselves.

17 MR. KAMINKOW: That is correct, Your Honor.  
18 There are certain overt acts alleged in Count 1, which  
19 both of these defendants deny any responsibility for  
20 and assert that they did not do. For purposes of this  
21 plea, they admit their responsibility for the drug  
22 activity alleged in Count 1, and only the drug  
23 activity.

24 THE COURT: Anything you want to add?

25 MR. KAMINKOW: We wanted to make sure that the

1 Probation Department did not take the position that  
2 because they may not be admitting to some other  
3 conduct, they have not cooperated and been truthful  
4 with the Probation Department and thus, would not be  
5 entitled to acceptance of responsibility.

6 THE COURT: I understand that position. It would  
7 seem to follow that to the extent that, at least to the  
8 extent that there are guideline factors in dispute that  
9 you want to have litigated, that is the only way to  
10 leave open the possibility of litigating those issues.

11 MR. KAMINKOW: That is correct, Your Honor.

12 MS. RINGLER: Your Honor, that is a fair  
13 statement. What is in dispute is the violence which  
14 has been alleged in the indictment, and that will be  
15 litigated at sentencing.

16 THE COURT: Right.

17 Do you understand that, Mr. Abdullah?

18 DEFENDANT ABDULLAH: Yes, sir.

19 THE COURT: Mr. Woodfolk?

20 MR. MCDOWELL: If I could clarify that further,  
21 sir?

22 THE COURT: Sure.

23 MR. MCDOWELL: My client, Mr. Woodfolk, is under  
24 my instructions not to discuss with anyone; and that  
25 includes at this point the United States probation

1 officer, any conduct other than that conduct with  
2 respect to the drug activity. I would ask that the  
3 Court recognize that Mr. Woodfolk is under instructions  
4 from his attorney, and that there would be no  
5 repercussions because of that.

6 THE COURT: If you all are in agreement with  
7 this, regardless of what position the probation officer  
8 would take, it would seem to me that is the only way to  
9 leave open the possibility of litigating, of fairly  
10 litigating these issues. If for some reason I change  
11 my mind, at the end of all of this I will give you your  
12 right to withdraw your guilty plea. As far as I am  
13 concerned, that is necessary and appropriate at this  
14 stage. I would, unless the government sees some  
15 reason, I certainly will honor your not talking to the  
16 probation officer about that. Frankly, that would not  
17 be, frankly, consistent with the Fifth Amendment and  
18 with the possibility of entering into an agreement at  
19 this time.

20 MR. MCDOWELL: Thank you.

21 THE COURT: Now certain guideline factors,  
22 essentially what you do is you agree to disagree about  
23 them. As we were just saying, actually there are  
24 certain things that have to be litigated. These  
25 include, but are not limited to, we tried to, your

1 lawyers have tried to focus upon what may be in  
2 dispute.

3 There may be other factors in dispute, but the  
4 only thing there is an agreement about is the base  
5 offense level, and actually, in both of your cases, a  
6 three-level increase in the role of the offense and  
7 then a three-level decrease for acceptance of  
8 responsibility in the terms stated.

9 Everything else isn't in dispute, but these would  
10 include whether or not during the course of the  
11 conspiracy, firearms were brandished, if justice was  
12 obstructed, death resulted from conduct, there was any  
13 significant physical injury suffered by anyone, if  
14 anyone who was killed or injured was subjected to  
15 unlawful restraint, whether there was property damage  
16 or loss and whether weapons were used.

17 It is agreed that within a week of today,  
18 actually the day that the guilty plea is being entered,  
19 that you will each, each of you, plus the government,  
20 will submit to the probation officer a list of those  
21 departures, adjustments or offense characteristics  
22 which you will be seeking at sentencing.

23 I take it that, again, implicit in this, it may  
24 be expressed somewhere, but both the government and you  
25 are reserving your right to seek any adjustment or

1 departure also, and that that was something which would  
2 be litigated at a later date, that both sides, either  
3 side may move for any departure or adjustment that they  
4 deem appropriate.

5 It is also agreed that there is no agreement as  
6 to what your criminal history category is. I am sure  
7 your counsel explained to you that, in a way, the  
8 guidelines work like a draft or like a grid. One  
9 column is the offense level. We have been discussing  
10 matters which might affect that, and the cross-section  
11 or the intersection is by the criminal history  
12 category, and it is where the grid intersects where the  
13 sentencing guideline is, ends up being applicable.

14 I mention that because the way the guidelines  
15 work, if you have a very severe criminal record in some  
16 respects and basically a severe criminal record, that  
17 could actually affect, not only the criminal history  
18 category, that actually could affect the offense level  
19 as well because that is the way it works.

20 As set forth in the letter, it is not really part  
21 of the plea agreement, but I want to make sure you  
22 understand, I am not bound by this plea agreement and  
23 indeed, as I said before, I am duty bound to sentence  
24 you according to the facts as I find them to be.

25 I am sure that it is here somewhere. If it is



1 not, I want to make sure that it is a term of the  
2 agreement. Yes, it is here. I missed paragraph five  
3 in its entirety.

4 At sentencing the government reserves the right  
5 to recommend any sentence that it deems appropriate in  
6 the guideline range which I find to be appropriate.

7 The government also agrees that at the time of  
8 sentencing, it will move to dismiss all counts in the  
9 indictment against you, other than the count to which  
10 you agree to plead guilty. My understanding is that, I  
11 am sure the intent of the agreement is it would be the  
12 original indictment, plus any counts, other than Count  
13 1, in the second superseding indictment.

14 MS. RINGLER: That is correct. There is also a  
15 first superseding indictment.

16 THE COURT: Also the first superseding  
17 indictment.

18 MS. RINGLER: That is correct.

19 THE COURT: I will tell you that if I did not  
20 grant that motion, I will give you the right to  
21 withdraw your guilty plea.

22 Mr. Abdullah, that is my understanding of your  
23 plea agreement.

24 Ms. Ringler, Mr. Kaminkow, is that your  
25 understanding? Have I forgotten to add anything, say

1 anything, or is that your understanding of the  
2 agreement?

3 MR. KAMINKOW: Your Honor, that is my  
4 understanding.

5 MS. RINGLER: I think that is a fair reading of  
6 the plea agreement, Your Honor.

7 THE COURT: Most importantly, Mr. Abdullah, is  
8 that your understanding of the plea agreement?

9 DEFENDANT ABDULLAH: Yes, sir.

10 THE COURT: Have any other promises or  
11 inducements been made to you, other than what I have  
12 stated, to get you to enter this plea?

13 DEFENDANT ABDULLAH: No, sir.

14 THE COURT: Mr. Woodfolk, let me look over your  
15 agreement. I probably could have made this easier.  
16 The agreements are exactly the same; is that right?

17 MS. RINGLER: That is right, Your Honor.

18 THE COURT: Mr. Woodfolk, is what I have said,  
19 been telling Mr. Abdullah what I understand his plea  
20 agreement to be also what you understand your plea  
21 agreement to be?

22 DEFENDANT WOODFOLK: Yes, sir.

23 THE COURT: Have any other promises or  
24 inducements been made to you to get you to enter the  
25 plea?

1. DEFENDANT WOODFOLK: No.

2 THE COURT: Mr. McDowell, have I stated what you  
3 understand the plea agreement to be?

4 MR. MCDOWELL: You have, sir.

5 THE COURT: Now I do need to be satisfied that  
6 there is a factual basis for your entry of the pleas.  
7 If you all will be seated, I am going to ask Ms.  
8 Ringler what the government would prove if the case  
9 went to trial.

10 MS. RINGLER: Your Honor, I --

11 THE COURT: Ms. Ringler, I take it that -- I  
12 don't know, it will help me to know how to assimilate  
13 to begin with, have you written this to make it only  
14 those facts which relate to the drug conduct or to the  
15 other conduct as well?

16 { MS. RINGLER: That is correct, Your Honor. The  
17 statement of facts that I have just presented to the  
18 Court, and copies of which were previously provided to  
19 defense counsel, relate only to the narcotics activity,  
20 the distribution of heroin, which the defendants have  
21 agreed to by virtue of their guilty plea.

22 The only additional information included in the  
23 statement of facts related to some items seized from  
24 their homes at the time of their arrest, but beyond  
25 that, we did not include any other facts that would be

1 in dispute at sentencing since we would present them at  
2 that time.]

3 THE COURT: When we get to the firearms that were  
4 seized, I take it that is not part of what is agreed  
5 upon as the drug conduct?

6 MS. RINGLER: The statement of facts relates to  
7 what the defendants agree the government could present  
8 and proved at sentencing, as opposed to their  
9 stipulating that these are the facts.

10 THE COURT: { That the firearms aren't in any way  
11 attributable to them or anything of that nature. }

12 MS. RINGLER: That is correct.

13 THE COURT: I also noticed that -- we can get to  
14 it when we get to it. Isn't there some reference that  
15 somebody had been convicted of something?

16 MS. RINGLER: There is a reference to conviction  
17 as it relates to the possession of the firearms.

18 THE COURT: All right. It would be a question of  
19 whether or not, as to these defendants, that would be  
20 admissible. It might have to be admissible if there  
21 was a joint trial. We will reach that when we get to  
22 it. Go ahead.

23 MS. RINGLER: Your Honor, the statement of facts  
24 in summary provide that the parties stipulate and agree  
25 if this case had proceeded to trial, the government

1       could have proven the following facts, those facts  
2       being that between January of 1991 and January of 1994,  
3       these defendants operated and controlled a heroin  
4       organization in the metropolitan Baltimore area. At  
5       all times, this organization was controlled by Sahib or  
6       Mr. Abdullah and Mr. Woodfolk, who were responsible for  
7       all of the key decisions made for and on behalf of the  
8       organization and its members. These decisions included  
9       procuring heroin for sale, the pricing and distribution  
10      of the heroin, and the distribution of the financial  
11      proceeds from the sales.

12           During the aforementioned period, these  
13      defendants and their co-conspirators distributed in  
14      excess of a kilogram of heroin, Schedule I narcotic  
15      controlled substance. The organization had various  
16      names for their heroin product, which included Strong  
17      as Steel, Python and Nice and Smooth.

18           For much of the period of time we are talking  
19      about, the organization referred to itself as the  
20      Strong as Steel organization. As of 1992, the  
21      government's evidence would show that this organization  
22      began experiencing some financial problems due to  
23      increased law enforcement presence focusing on their  
24      activities.

25           During the conspiracy, this organization

1 distributed retail and wholesale amounts of heroin.  
2 They used shops and stash houses for this purpose. The  
3 stash houses were located at various places, which  
4 included 524 Gold Street, 546 Baker Street, 510 Baker  
5 Street, 1938 West Lexington Street, as well as others.

6 In 1992, the organization began using the  
7 residence of Doncarlos Williams, located at 2207 Eutaw  
8 Street, and they used this residence to cut and package  
9 their heroin and its subsequent distribution to various  
10 shops for sale. Different stash houses were often used  
11 for day and night business, but at least one stash  
12 house was opened for business seven days a week.

13 In early 1992, Mr. Abdullah and Mr. Woodfolk  
14 opened the Sharper Edge Barber Shop at the Reisterstown  
15 Road Plaza in Baltimore City.

16 During this conspiracy, the defendants controlled  
17 and directed the activities of numerous members of the  
18 organization, including Corey Johnson, Doncarlos  
19 Williams, Harold Bruton and Timothy Shird.

20 Between 1991 and 1994, these defendants engaged  
21 in the following acts all in furtherance of the  
22 conspiracy.

23 Between 1991 and '92, Mr. Abdullah made numerous  
24 trips to New York City to purchase heroin, which was  
25 paid for with cash. When he returned to Baltimore, Mr.

1        Abdullah would direct the cutting and packaging of the  
2        heroin. Both he and Corey Woodfolk would then direct  
3        its delivery or deliver it to the organization's  
4        numerous stash houses. At the end of each business  
5        day, one of the, one or both of the defendants would  
6        pick up the cash from the stash house.

7                In February of 1992, Mr. Woodfolk and Mr.  
8        Abdullah purchased and began operating the Sharper Edge  
9        Barber Shop, and the evidence would show that both of  
10       them brokered heroin deals through this location.

11               On December 15, 1992, Co-Conspirator, Doncarlos  
12       Williams, and others possessed cocaine and heroin in  
13       the 1500 block of Ellamont Street in Baltimore City,  
14       Maryland. This heroin had been supplied to Williams by  
15       Mr. Abdullah.

16               During a search incident to Mr. Williams' arrest,  
17       Mr. Williams was found to have in his possession 17  
18       bags of heroin, a pager and \$123. Chemical analysis  
19       was positive for both the presence of cocaine and  
20       heroin from the narcotics seized from Mr. Williams.

21               The evidence would further show that in November  
22       and December of 1992, Doncarlos Williams moved into an  
23       apartment at 2207 Eutaw Place. As previously stated,  
24       this apartment was used to cut and package heroin, that  
25       Co-Conspirator, Doncarlos Williams, was responsible for

1 weighing and cutting gram quantities of heroin,  
2 bundling them up and passing them on to his  
3 co-conspirators responsible for running the  
4 organization's shops. All of the heroin which passed  
5 through Mr. Williams' residence was supplied to him  
6 primarily by Mr. Abdullah and sometimes Mr. Woodfolk,  
7 that the shops were located, as previously stated, at  
8 Baker and Brunt Streets, north Avenue and Pulaski  
9 Highway --

10 MR. KAMINKOW: Pulaski Street.

11 MS. RINGLER: Pulaski Street, excuse me, and  
12 Hilton and Baker Streets. When these shops ran out of  
13 heroin, co-conspirators would call Mr. Williams, who  
14 would supply them with additional heroin. All of the  
15 money at the end of each business day or evening was  
16 returned to Mr. Williams and then turned over by him to  
17 Mr. Abdullah or Mr. Woodfolk. The receipts from  
18 evening sales alone ranged between \$2,000 and \$7,000  
19 per night.

20 On February 18, 1993, these defendants, along  
21 with Mr. Williams, sold and distributed one-half ounce  
22 of heroin for \$3400 to undercover agents at Pargos  
23 Restaurant in Baltimore County, Maryland. That heroin  
24 was found to be 79 percent pure.

25 On March 11, 1993, Mr. Abdullah, along with



1 Harold Bruton, distributed one ounce of heroin for  
2 \$6500. This distribution occurred in the parking lot  
3 of the Giant located at Menlo and Reisterstown Roads in  
4 Baltimore, Maryland. The sale of the heroin was  
5 negotiated by Mr. Abdullah. The actual distribution  
6 occurred in his car, where he directed Mr. Bruton to  
7 actually distribute the heroin. Mr. Abdullah was then  
8 paid in cash, and the purity of this heroin was found  
9 to be 32 percent. The car in which this transaction  
10 occurred was registered to Mr. Abdullah, using his  
11 father's address on Poe Avenue.

12 On March 11, 1993, Mr. Woodfolk sold one-half  
13 ounce of heroin for \$3500 outside of Dimitris  
14 Restaurant located on Patterson Avenue in Baltimore.  
15 Prior to his sale, the purchaser met with Mr. Woodfolk  
16 at the Sharper Edge Barber Shop to discuss the  
17 particulars of the transaction. At that time the  
18 purchaser was instructed by Mr. Woodfolk to meet him at  
19 the location where the sale occurred. The purity of  
20 that heroin was 77 percent.

21 Another distribution occurred on March 17, 1993.  
22 That one was by Mr. Abdullah, one-half ounce of heroin  
23 for \$4,260. That distribution by Mr. Abdullah, along  
24 with Doncarlos Williams, occurred at the Kentucky Fried  
25 Chicken Restaurant at Reisterstown Road. Again, Mr.

1       Abdullah negotiated the sale, which occurred in his  
2       white Acura Legend. During that transaction Mr.  
3       Abdullah told the purchaser that the heroin was all  
4       rock, and its purity was later found to be 60 percent.

5               On March 19, 1993, Mr. Abdullah purchased 129  
6       boxes of mannitol and four 500 gram bottles of inositol  
7       powder. These substances are used as cut and were  
8       purchased by Mr. Abdullah to further the heroin  
9       distribution activities. He paid \$160 for this cut,  
10      and the transaction occurred in the Giant Supermarket  
11      on North Ritchie Highway.

12             The evidence would further show that the money  
13      that Mr. Abdullah used to purchase the cut was recorded  
14      law enforcement money which had previously been given  
15      to him during the aforementioned March 17th undercover  
16      sale of heroin.

17             On April 7, 1993, Mr. Woodfolk sold one-half  
18      ounce of heroin for \$3400 in his black Nissan 240SX, as  
19      it sat in the parking lot of the Sharper Edge Barber  
20      Shop. The purity of this heroin was 66 percent. This  
21      transaction was negotiated by Mr. Woodfolk through a  
22      series of telephone calls from the Sharper Edge.

23             On May 13, 1993, Mr. Abdullah distributed  
24      one-half ounce of heroin for \$3500 in front of Metro  
25      Brokers located at Baltimore and Eutaw Streets in

1 Baltimore. The purity of that heroin was found to be  
2 65 percent.

3 On May 25, 1993, a search warrant was executed at  
4 Doncarlos Williams' residence, 2207 Eutaw Place, and  
5 among the items recovered were a box of ammunition,  
6 several bags of white powdery substance, later  
7 confirmed to be cocaine, heroin and mannitol, a  
8 magazine to a semiautomatic weapon, a beeper, a  
9 walkie-talkie, and other items.

10 On January 10, 1994 --

11 THE COURT: In my original statement there is  
12 something referred to as stereo and VCR tape deck from  
13 the BG&E burglary. I take it that should not be deemed  
14 as part of this statement of facts for purposes of  
15 sentencing.

16 MS. RINGLER: Yes, it should, Your Honor. I just  
17 said other items, but both sides have seen this, as  
18 well as the Court, so I would add that.

19 THE COURT: { Again, I don't want to be difficult  
20 about this, but in light of the limited nature of what  
21 is being agreed to, { unless I am asleep at the switch,  
22 this refers to BG&E burglary as though I know what it  
23 is from the previous statement of facts. I don't think  
24 it has been previously mentioned, { and it doesn't seem  
25 to me that the BG&E burglary is what I would understand

1 "drug activity" to be.

2 So I would think an easy answer would be that I  
3 not -- you can say what you can prove. Number one, I  
4 don't know what you are talking about from what you  
5 have said so far, unless I missed it. In any event, I  
6 don't think I ought to be asking them if they admit to  
7 these facts.

8 MS. RINGLER: That is fine. As to that burglary,  
9 the government would present evidence to that at  
10 sentencing.

11 THE COURT: Again, I don't want to be difficult.  
12 This is an important matter. I want to make sure that  
13 we are all on the same wavelength.

14 MS. RINGLER: That is fine, Your Honor. The  
15 evidence would further show that when Mr. Abdullah was  
16 arrested in his home on January 10, 1994, he had  
17 previously been convicted of burglary, as set forth in  
18 the statement of facts. That burglary conviction was  
19 on June 1, 1987, in Maryland state court. As such, he  
20 was prohibited from owning or possessing a firearm. At  
21 the time of his arrest, Mr. Abdullah had within his  
22 possession and control a .380 semiautomatic Davis  
23 Industries Model P-380 pistol, Serial Number AP265938.  
24 Said firearm was in and affecting commerce, having been  
25 manufactured outside of the state of Maryland.

1 Similarly, the evidence would show that Mr.  
2 Woodfolk was arrested at his home on the same date,  
3 that being January 10, 1994. Also found within his  
4 possession and control, specifically located on a brass  
5 rail around his headboard, and within his reach, was a  
6 loaded .357 Magnum, Ruger Security Six Revolver, Serial  
7 Number 154-04372.

8 Mr. Woodfolk had also been previously convicted  
9 in Maryland state court of distribution of cocaine on  
10 March 14, 1987, and as such, was prohibited from  
11 possessing a firearm. The firearm was in and affecting  
12 commerce, having been manufactured outside of  
13 Maryland.

14 Also seized from his apartment were a number of  
15 items which the government will present at sentencing,  
16 if the Court would rather not consider these facts at  
17 this time, those items being a bulletproof vest, and in  
18 a closet a bag containing duct tape, ammunition, gloves  
19 handcuffs, a lock-blade knife, and a black aeroskin  
20 hood.

21 This statement of facts further provides that  
22 this is a summary of the defendants' narcotics  
23 activities and that evidence of other relevant conduct,  
24 including violence committed by them and their  
25 co-conspirators, which is disputed by the defendants,

1 will be later presented at sentencing.

2 THE COURT: Okay. All right. Will everybody  
3 stand up on the defense side? Mr. Abdullah, Mr.  
4 Woodfolk, do you admit that the government could prove  
5 these facts at trial?

6 { MR. KAMINKOW: Your Honor, on behalf of Mr.  
7 Abdullah, we understand this is what the government's  
8 proof would be. We do not admit that he possessed on  
9 January 10, 1994. }

10 { THE COURT: I agree. That ought to be carved  
11 out. That is why I was going to phrase this  
12 differently. }

13 MR. KAMINKOW: It was certainly present on the  
14 premises occupied by he and his wife at the time that  
15 the search and seizure warrant was executed. However,  
16 we do not admit that he in fact did possess that  
17 weapon.

18 THE COURT: That he was in possession of it.

19 MR. KAMINKOW: That is correct.

20 { THE COURT: Do you all admit, however, that the  
21 facts, as stated by Ms. Ringler, the government could  
22 prove if the case went to trial? }

23 DEFENDANT ABDULLAH: Yes, sir.

24 DEFENDANT WOODFOLK: Yes.

25 MR. MCDOWELL: On behalf --

1 THE COURT: The same thing about the gun on your  
2 side?

3 MR. MCDOWELL: Yes, sir, and in addition, I  
4 believe that there is a disparity here. There is no  
5 agreement in the plea agreement as to his criminal  
6 history. Specifically page seven, Roman Numeral 10,  
7 where Mr. Woodfolk is said to have been convicted of  
8 distribution of cocaine, I believe that that was a  
9 possession count and not a distribution count.

10 THE COURT: All right. So that is a factor in  
11 dispute, but other than that --

12 MR. MCDOWELL: It is according to the plea  
13 agreement.

14 THE COURT: That is a fact in dispute. In any  
15 event, subject to that -- and you are even questioning  
16 whether the government could prove the distribution  
17 count at trial, I gather?

18 MR. MCDOWELL: Yes, sir.

19 (THE COURT: Subject to that, I understand that  
20 you agree this is what the government would prove if  
21 the case went to trial?)

22 MR. MCDOWELL: Yes, sir.

23 THE COURT: Mr. Woodfolk, you said yes before?

24 DEFENDANT WOODFOLK: Yes, Your Honor.

25 THE COURT: Let me ask you a slightly different

1 question. Any questions?

2 MR. MCDOWELL: Excuse me, Your Honor.

3 THE COURT: No problem. Do you have a question?

4 If you want to ask your counsel first, that is fine.

5 DEFENDANT ABDULLAH: No, sir.

6 THE COURT: Now a slightly different question,  
7 with the exception of these facts that we talked about,  
8 which the firearms, I understand that you all do not,  
9 each of you do not admit possession of firearms, that  
10 is not part of my question, I am also asking, in  
11 addition to what I asked you about whether the  
12 government could prove this, with the exception of the  
13 firearms, did you also do the things that the  
14 government said it could prove that you did?

15 DEFENDANT ABDULLAH: The majority of them I knew  
16 about, Your Honor. Some of them I admit I am not  
17 guilty, some of them I --

18 DEFENDANT WOODFOLK: Some of them are outright  
19 lies.

20 MR. KAMINKOW: I will ask the question this way  
21 without characterizing it as a lie. The government  
22 claims that they have evidence to indicate that Mr.  
23 Abdullah went to New York to obtain heroin. Mr.  
24 Abdullah has told me, and is prepared to tell the  
25 Court, that he never went to New York to obtain



1 heroin. He did obtain heroin.

2 THE COURT: Let me ask this once again.

3 MR. KAMINKOW: He did obtain heroin and he  
4 obtained heroin on several occasions, but not from New  
5 York.

6 DEFENDANT ABDULLAH: So it really doesn't make a  
7 difference if it came from --

8 THE COURT: You are right about that. If there  
9 is anything wrong, but the critical question is, and I  
10 want, I honestly want to know from you, not only if you  
11 agree --

12 DEFENDANT ABDULLAH: I believe the government can  
13 prove anything they want to, Your Honor.

14 THE COURT: I'm sorry.

15 DEFENDANT ABDULLAH: I believe the government can  
16 prove what is in that indictment.

17 THE COURT: Do you, do each of you also admit,  
18 without getting into details of everything, do you  
19 admit that you essentially participated in a  
20 conspiracy --

21 DEFENDANT ABDULLAH: Yes, sir.

22 THE COURT: -- in an agreement with others to  
23 distribute, if you didn't do it yourself, where you  
24 knew that a kilogram or more of heroin was being  
25 distributed?

1 DEFENDANT ABDULLAH: Yes, sir.

2 DEFENDANT WOODFOLK: Yes, Your Honor.

3 THE COURT: Okay. I find that you are competent  
4 to enter the plea, that you understand the charges  
5 against you and the penalties to which you are subject,  
6 that you understand the rights that you are pleading,  
7 excuse me, that you giving up by pleading guilty, that  
8 you are entering a plea voluntarily, and that there is  
9 a factual basis for your entry of the plea, the  
10 government's proof would establish your guilt beyond a  
11 reasonable doubt, what you just candidly told me, you  
12 are, in fact, guilty of the events you are pleading  
13 guilty to.

14 Before I decide whether or not to accept your  
15 guilty pleas, Ms. Ringler, or defense counsel, do you  
16 know of anything else I should take up with either  
17 defendant?

18 MS. RINGLER: No, Your Honor.

19 MR. KAMINKOW: No, sir.

20 MR. MCDOWELL: No, sir.

21 THE COURT: I will accept your pleas of guilty as  
22 to Count 1 of the second superseding information.

23 Now we ought to set a sentencing date. How long  
24 for presentence reports?

25 THE CLERK: After 11/23.

1 THE COURT: After 11/20. So obviously --

2 MR. KAMINKOW: Your Honor, it seems to me that  
3 one of the problems we have at the moment is without  
4 the government advising us which enhancements they seek  
5 and which overt act they intend to prove, it is  
6 difficult to gauge how long we are going to need. My  
7 guess is we are going to need anywhere from a week to  
8 week and a half for the sentencing hearing.

9 MS. RINGLER: I think that is fair, Your Honor.

10 THE COURT: Let me ask you all this because what  
11 I was going to do was try to find that week or so after  
12 the presentence report had been prepared.

13 I, frankly, see no point in the probation officer  
14 making proposed findings on the disputed issues. If  
15 you want to, that is fine with me. I am not saying we  
16 can't have it. I, frankly, don't know what point that  
17 would serve. It seems to me that the agreement is that  
18 that is something I am going to have to resolve after  
19 hearing the evidence.

20 What I would propose is that we instruct the  
21 probation officer not to -- to list the factors that  
22 are in dispute. Frankly, there are going to be so many  
23 that I think it would be silly to have hypotheticals as  
24 to what the guideline range would be until after I've  
25 made the determination, but basically for them to do a

1 report containing the information other than the  
2 disputed items, and then really not even doing the  
3 disputed factors, doing a criminal history  
4 investigation, and then leaving it up to us to do the  
5 rest by process of litigation. Does that make sense?

6 MR. KAMINKOW: Absolutely.

7 MS. RINGLER: I think it would be impossible for  
8 them to do it actually.

9 THE COURT: With that in mind, we talked the  
10 other day, when we thought this might be happening,  
11 that we would have to wait until after the presentence  
12 reports had been prepared. I am not sure that there is  
13 any reason for that. I think that if you, if people  
14 have put times off on their calendars, subject to  
15 whether the case is still going to be going to trial --

16 MS. RINGLER: It looks like it is, Your Honor.

17 THE COURT: It does?

18 MS. RINGLER: Yes, sir. One thing we had  
19 discussed is perhaps coming up with some mechanism by  
20 which we can facilitate the sentencing, by virtue of  
21 the fact that it looks like we are already going to  
22 have a trial going on, where a lot of the same evidence  
23 is going to be presented. That is something that we  
24 will have to discuss with defense counsel, if we can  
25 come up with some --

1           THE COURT: I would love to do it. It would have  
2 to be awfully imaginative because I take it you will  
3 have one defendant here on trial before the jury. It  
4 would be wonderful to have other people here to  
5 cross-examine.

6           MS. RINGLER: I know one method that has been  
7 used in at least one other case was where if the same  
8 witnesses were going to testify at trial and at  
9 sentencing, defense counsel would be provided  
10 transcripts of their trial testimony. The government  
11 would recall them at sentencing for purposes of  
12 cross-examination. Since the Court had already heard  
13 their entire direct examination, thereby the defendant  
14 would have the opportunity to cross-examine them about  
15 any statements that they had made, but it would not  
16 force the Court to hear the entire direct examination  
17 over again. We would also advise defense counsel when  
18 these witnesses were going to testify in the event that  
19 they want to be here.

20           THE COURT: You are not going to have daily  
21 transcripts?

22           MS. RINGLER: No, Your Honor, but I think there  
23 would be a lapses of time between the --

24           THE COURT: You are not talking about much.

25           MS. RINGLER: It is not that many witnesses, Your

1 Honor. It might be four or five witnesses.

2 MR. KAMINKOW: Your Honor, my client objects to  
3 that procedure because he feels he should have the  
4 right to face his accusers.

5 MS. RINGLER: They will be here. They just  
6 wouldn't go through their entire direct examination,  
7 unless there was some additional questions that they  
8 hadn't been asked.

9 THE COURT: But they are not there before this  
10 defendant. He thinks it is important for them to hear  
11 the direct?

12 MR. KAMINKOW: Am I correct?

13 DEFENDANT ABDULLAH: Yes, sir.

14 THE COURT: I think that is fair. Analytically  
15 or not, I think that is part of what it is all about.  
16 That is precisely what confrontation is all about. If  
17 that is what he wants, that is what he is entitled to  
18 have.

19 MS. RINGLER: Just so it is clear, we would have  
20 the person here.

21 THE COURT: I understand. If you've got to give  
22 direct testimony, you have to face somebody and give  
23 it.

24 MS. RINGLER: That is fine, Your Honor. I just  
25 threw that out.

1 THE COURT: You know me, I am the person who most  
2 wants to be efficient. I think that is what the  
3 confrontation clause probably is all about.

4 Okay. Well, why don't we try to set a week to a  
5 week and a half.

6 What I am trying to do, I don't know if it  
7 matters, is to accommodate your trial calendars by  
8 putting it some time within the time you probably set  
9 aside for the trial. You still think the trial is  
10 going to be shorter, don't you?

11 MS. RINGLER: Yes, Your Honor.

12 THE COURT: So if we are going to begin it, it  
13 looks like October 3rd, would it make sense to try to  
14 set the sentencing in this case to begin here, to begin  
15 November 7th to the 14th?

16 MS. RINGLER: You could do it November 7th or  
17 probably the week before that as well, if the Court was  
18 available. I think the trial --

19 THE COURT: Except, don't forget, I am going to  
20 be missing a week of trial essentially. It is going to  
21 be one of those weeks where we only have one day of  
22 trial.

23 MS. RINGLER: I think the trial with Mr. Johnson  
24 will probably take ten days maybe, two weeks.

25 THE COURT: Why don't we try to set this for the

1 week of November 7th.

2 MS. RINGLER: That is fine.

3 THE COURT: Are you all available? Because I  
4 think that was probably what we estimated for this  
5 trial anyway.

6 MR. KAMINKOW: I don't have my trial calendar  
7 here, Your Honor. You know, we can try to work it in.  
8 I will check when I get back to the office.

9 MR. MCDOWELL: Would the Court guarantee that we  
10 would be finished by November 17?

11 THE COURT: Are you going away?

12 MR. MCDOWELL: Yes, sir, on the 18th.

13 THE COURT: For how long?

14 MR. MCDOWELL: Ten days.

15 THE COURT: I will guarantee you if we are not  
16 finished, you can go away.

17 MR. MCDOWELL: Thank you, sir.

18 THE COURT: We will finish up when you get back.

19 MR. MCDOWELL: Thank you.

20 THE COURT: I can't guarantee it because I don't  
21 know the scope of it. It sounds to me like there is no  
22 reason it can't be.

23 I am going to put this in as though it was a  
24 trial and not just a sentencing. Then in the meantime,  
25 we will tell the probation officer to go ahead with



1 preparation of the presentence reports. Basically it  
2 is an old-style presentence report, with the basic  
3 background information and about criminal history.

4 They do not have to get involved in this.

5 Subject to hearing from Mr. Kaminkow, just so you  
6 all know, I set it in for the 7th, and we will go  
7 through the 17th? Yeah. I will be unavailable -- that  
8 Friday is a holiday, and I've got a conference I've got  
9 to go to Monday and Tuesday. That sounds like it ought  
10 to be perfect. We will be finished by the 17th. So it  
11 will be the week of the 7th to the 14th. So you all  
12 can plan your calendars, if you have clients or short  
13 trials, I will be unavailable the 14th and 15th of  
14 November.

15 Anything further?

16 MS. RINGLER: Not from the government, Your  
17 Honor.

18 MR. KAMINKOW: No, Your Honor.

19 THE COURT: Let me ask you all, because it is  
20 obviously an important matter, Mr. Abdullah, Mr.  
21 Woodfolk --

22 DEFENDANT ABDULLAH: My schedule is open.

23 (Laughter.)

24 MR. KAMINKOW: He said his schedule is open.

25 THE COURT: Any question you have about what went

1 on here today? Are you all content to enter your  
2 guilty plea?

3 DEFENDANT ABDULLAH: No, sir.

4 THE COURT: You have no questions? You are  
5 content to enter your guilty pleas?

6 DEFENDANT ABDULLAH: Yes, sir, except the  
7 violence thing.

8 DEFENDANT WOODFOLK: Yes. May I ask you a  
9 question, Your Honor?

10 THE COURT: Yes.

11 DEFENDANT WOODFOLK: During the course of this  
12 sentence hearing, will we be able to talk to you  
13 freely?

14 THE COURT: Through your counsel, and you  
15 certainly can, and before I sentence you, you will be  
16 able to say anything you want on your own.

17 DEFENDANT WOODFOLK: Thank you, Your Honor.

18 THE COURT: Thank you all.

19 (The proceedings concluded.)  
20  
21  
22  
23  
24  
25

**C**

OTVH3 \*  
PAGE 001 OF 001 \*

INMATE EDUCATION DATA  
TRANSCRIPT

\* 06-01-2015  
\* 11:08:02

REGISTER NO: 30079-037 NAME...: WOODFOLK  
FORMAT.....: TRANSCRIPT RSP OF: OTV-OTISVILLE FCI

FUNC: PRT

----- EDUCATION INFORMATION -----

FACIL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
OTV	ESL HAS	ENGLISH PROFICIENT	01-05-1995 1542	CURRENT
OTV	GED HAS	COMPLETED GED OR HS DIPLOMA	01-10-1995 1340	CURRENT

----- EDUCATION COURSES -----

SUB-FACIL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
OTV GP	FORK LIFT TRAINING CLASS	01-10-2014	CURRENT				
OTV GP	✓ CARTOONING	09-08-2013	11-24-2013	P	C	P	1
OTV GP	NFPT NUTRITION CLASS	12-28-2010	02-12-2011	P	W	I	1
OTV GP	FOOD PREPARATION	04-18-2010	10-18-2010	P	C	P	120
OTV GP	REAL ESTATE MORTGAGE BROKER	09-21-2010	09-21-2010	P	C	P	30
OTV GP	RESIDENTIAL WIRING	04-28-2010	07-02-2010	P	C	P	120
OTV GP	MONEY MATTERS: THURS 1-3	09-21-2010	10-21-2010	P	C	P	20
OTV GP	✓ CORE PERFORMANCE	09-23-2008	09-26-2010	P	C	P	10
OTV GP	PREP FOR CDL WRITTEN EXAM	08-02-2010	09-02-2010	P	C	P	30
OTV GP	EDUCATION ORIENTATION - AM	02-26-2008	02-26-2008	P	C	P	3
FAI	✓ PORTABLE TYPEWRITER	05-27-2006	06-24-2006	P	C	P	1
FAI	✓ SWINTEC TYPING CLASS	06-07-2006	06-14-2006	P	C	P	1
FAI	✓ S.AFRICAN EXPERIENCE	03-20-2006	03-20-2006	P	C	P	2
FAI	✓ ACE-CHESS VIDEO SERIES	10-04-2005	10-18-2005	P	C	P	4
LEW	✓ CIVIC STUDIES ACE CLASS	02-11-2002	05-20-2002	P	C	P	36
LEW	✓ RPP-PERSONAL GROWTH	01-04-2002	03-29-2002	P	C	P	2
LEW	✓ LEISURE ACTIVITY/FOOTBALL	09-12-1998	11-26-1998	P	C	P	33
LEW	✓ BASKETBALL OFFICIAL	01-13-1998	01-13-1998	P	C	P	4
LEW	✓ PARENTING CLASS	06-20-1995	06-28-1995	P	W	V	10

G0000

TRANSACTION SUCCESSFULLY COMPLETED

**D**

# Certificate of Achievement

This certifies that

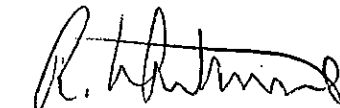
COREY WOODFOLK

has satisfactorily completed


THE TRANSCENDING ADDICTION COURSE

Consisting of 17 Hours of Training

This certificate is hereby issued this 14th day of Dec., 19 98



R. Whitmire, ACSW, NCAC I



C. Middleton, Ph.D., M.S.

30079-037


**E**

# Certificate of Achievement

This certifies that  
Corey Woodfolk # 30079-037  
has satisfactorily completed  
*"A Framework For Recovery"*  
Consisting of 12 Hours of Training

This certificate is hereby issued this 07 day of DEC., 19 98

  
Wesley R. Schrader  
Unit 3 Counselor

  
A. W. Alexander  
Unit 3 Unit Manager



**F**

# Certificate of Completion

*Presented To*

*Corey Woodfolk*

*For serving as Instructor of Phase I of Young Men Incorporated (Leadership Training Academy) at the Federal Correctional Facility Otisville, in Otisville, New York. The participants successfully completed the twenty hours of intensive programming and because of your efforts have met all the course requirements. On behalf of the Community Economic Development and Young Men Incorporated, this certificate is proudly given with the highest regards on this 22<sup>nd</sup> day of February, 2011.*

## *Leadership Training Academy (Phase-I)*

*Al Welch*

*Unit Manager-Program Coordinator  
Community Economic Development*



*A. Dachisen*

*Associate Warden - Programs  
Federal Bureau of Prisons*

**G**

# Certificate of Completion

Presented To

Corey Woodfolk

30079-037

National Comprehensive Center for Fathers



*This is to certify the above named individual has successfully completed the  
Victim Impact Class  
at the*

*Federal Correctional Facility Otisville, in Otisville, New York.  
on this 17<sup>th</sup> day of May, 2012*



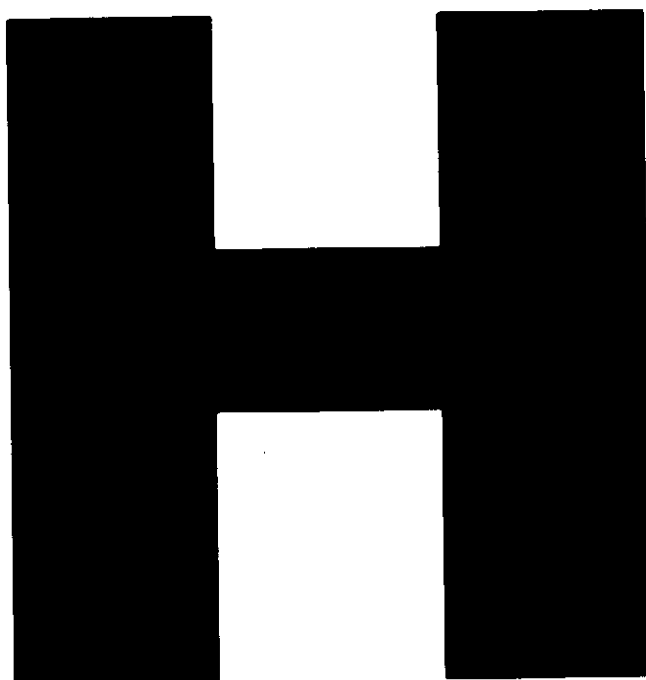
E. M. Darius  
Drug Treatment Specialist  
Staff Sponsor

J. Bowe  
Staff Psychologist  
Staff Sponsor



C. Flowers  
Unit Manager  
Staff Sponsor

A. McDonald  
Religious Services Assistant  
Staff Sponsor



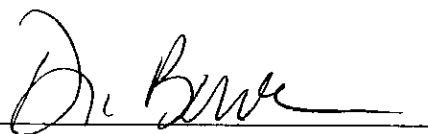
# Certificate of Completion

*Presented To*

**Corey Woodfolk**

***Anger Management***

*This is to certify the above mentioned has completed six hours of Anger Management at the Federal Correctional Facility in Otisville, New York - April, 2013.*

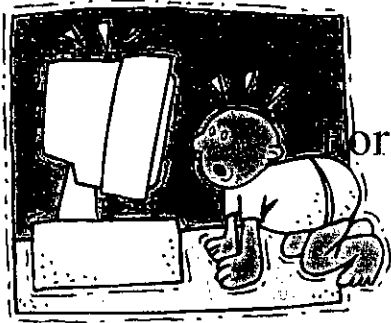


Dr. Bowe  
Program Coordinator



C. Cole - EL  
Mentor/Instructor



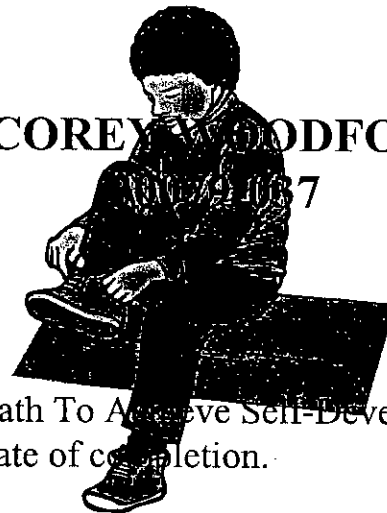


# Certificate of Completion

For the Path To Achieve Self-Development Program (PASD)

**COREY WOODFOLK**

000024037



In recognition of his participation in the Path To Achieve Self-Development (PASD) program here at FCI Otisville, he is presented with this certificate of completion.

This certificate is hereby issued this 17<sup>th</sup> day of April, 2008.

A handwritten signature in black ink, appearing to read "E. M. Dariotis".

E. M. Dariotis, Drug Treatment Specialist





**J**

# CERTIFICATE OF ACHIEVEMENT

**Presented to:**

*Cory Woodfolk*

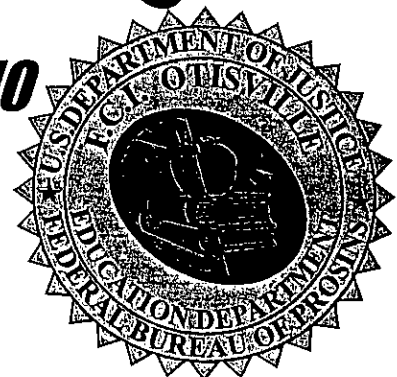
**For his Participation and Achievement in  
Completing the 120 hour Course:**

# Modern Residential Wiring

***Presented this 12<sup>th</sup> Day of September, 2010***

*E. Aleszka*

***E. Aleszka, Program Coordinator***



**K**

# Certificate of Achievement

**Presented To:**

*Cory Woodfolk*

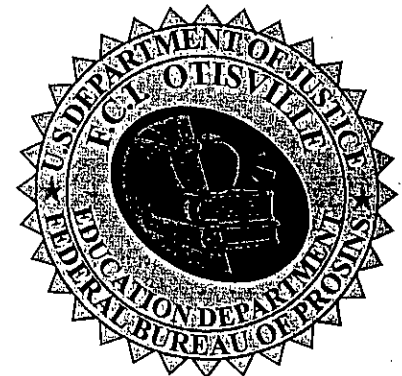
**For his Participation and Completion of  
a 30 hour Course in:**

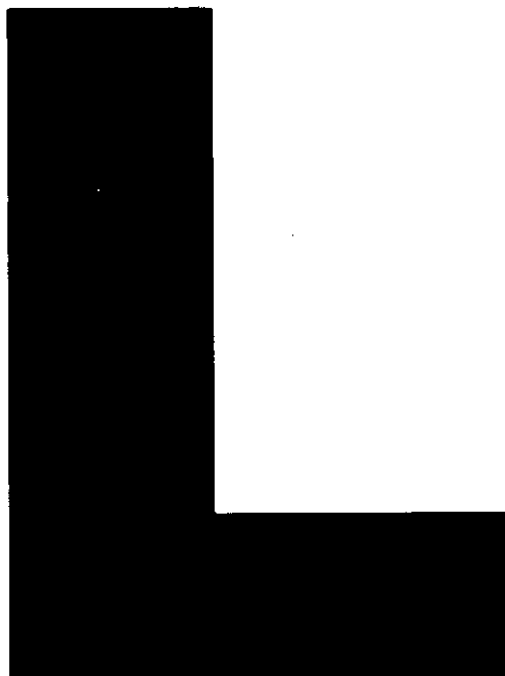
## **Commercial Drivers License**

**Presented this 21<sup>st</sup> Day of July, 2010**

*E. Aleszka*

*E. Aleszka/Education Specialist*





# Certificate of Achievement

**Presented to:**

Corey Woodfolk

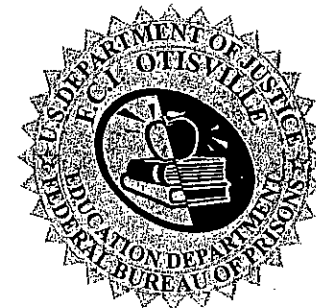
**For his Participation and Achievement in  
Completing the 20 hour Course:**

# MONEY MATTERS

Presented this 21th day of October 2010

*E. Aleszka*

***Ms. Aleszka Program Coordinator***



**M**

# Certificate of Achievement

**Presented to:**

Cory Woodfolk

**For his Participation and Achievement in  
Completing the 40 hour Course:**

## MORTGAGE BROKER

AWARDED THIS 30th DAY OF NOVEMBER 2010

*E. Aleszka*

---

***Ms. Aleszka Program Coordinator***





**N**

# CERTIFICATE OF ACHIEVEMENT

**Presented to:**

CORY WOODFOLK

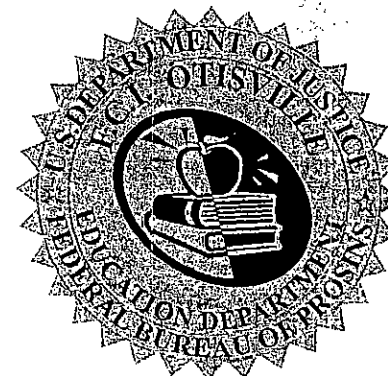
**For his Participation and Achievement in  
Completing the 120 hour Course:**

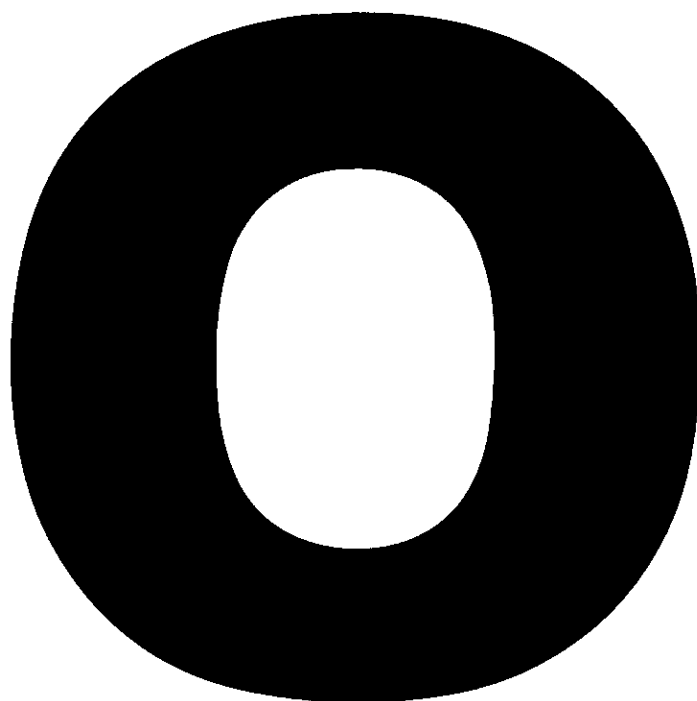
# FOOD PREPARATION

AWARDED THIS 19th DAY OF OCTOBER, 2010

*E. Aleszka*

*E. Aleszka, Program Coordinator*





# *Certificate of Achievement*

*Awarded To:*

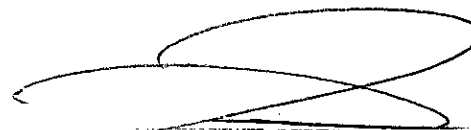
*C. Woodfolk*

*National Federation of Professional Trainers*

*Advanced Sports Nutrition Trainers Course #2*

*01 March '10*

*Date 01 March 2010*



*E. Du Plessis, Recreation Specialist*

**P**

# Certificate of Completion

*Presented To*

***Corey Woodfolk***

## ***FORKLIFT OPERATOR TRAINING***

*This is to certify the above mentioned has completed Forklift Operator Training at the Federal Correctional  
Institution, 2 Mile Drive, Otisville, New York 10963*

*June 26, 2014*

*Louis Byer*

Louis Byer  
Staff Coordinator



*J. B. Ray*

J. B. Ray  
Instructor

**Q**

**FCI Otisville, New York 10963**

**Fork Lift License**



**Issued to: Corey Woodfolk  
Instructor: Louis Byer  
Date Issued: 06-26-2014**

*Louis Byer*



**R**

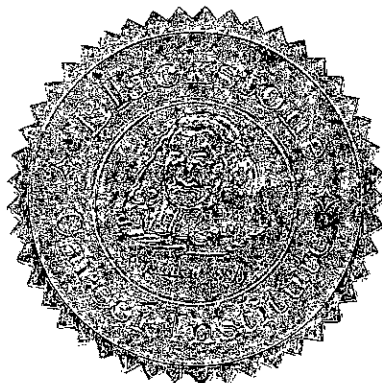


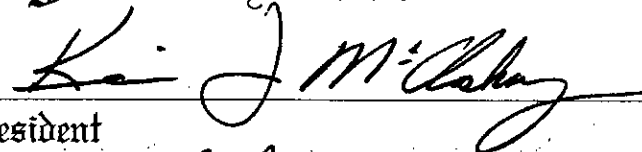
Awards this Certificate in  
Paralegal Studies  
with Distinction upon  
Corey L. Woodfolk

*who has fulfilled all the requirements prescribed by the School and is entitled  
to all of the honors, rights and privileges thereunto appertaining.*

*In Testimony Whereof this recognition of achievement is*

Given this 18<sup>th</sup> day of February 2015



  
President

  
Director of Education

**S**



# BLACKSTONE CAREER INSTITUTE

1011 BROOKSIDE ROAD, SUITE 300, P.O. Box 3717, ALLENTOWN, PA 18106-3717

## Student Transcript

### 31 Lesson Paralegal Studies Certificate Program

915 Clock Hours

Student: Corey Woodfolk 30079037  
Address: FCI Otisville  
PO Box 1000  
Otisville NY 10963

Student Number: 08030287

Enrollment Date: 04/14/2014

Completion Date: 02/18/2015

Text/Subject	Date Completed	Grade	Text/Subject	Date Completed	Grade
<b>Lesson: 1</b>			<b>Lesson: 7</b>		
• Introduction To Law	04/25/2014	100	• Trusts	01/05/2015	100
• Contracts Part I	04/25/2014	100	<b>Lesson: 8</b>		
• Contracts Part II	04/25/2014	100	• Law of Private Corporations	01/06/2015	100
• Contracts Part III	04/28/2014	100	• Law of Partnerships Part I	01/12/2015	100
<b>Lesson: 2</b>			• Law of Partnerships Part II	01/13/2015	100
• Law of Torts Part I	06/13/2014	100	<b>Lesson: 9</b>		
• Law of Torts Part II	06/13/2014	95	• Constitutional Law Part I	02/12/2015	100
• Law of Torts Part III	06/13/2014	100	• Constitutional Law Part II	02/12/2015	100
• Law of Torts Part IV	06/13/2014	100	<b>Lesson: 10</b>		
<b>Lesson: 3</b>			• Constitutional Law Part III	02/12/2015	100
• Criminal Law Part I	07/14/2014	100	<b>Lesson: 11</b>		
• Criminal Law Part II	07/15/2014	100	• Legal Research Part I	02/12/2015	95
<b>Lesson: 4</b>			<b>Lesson: 12</b>		
• Real Property Part I	09/11/2014	100	• Legal Research Part II	02/17/2015	100
• Real Property Part II	09/11/2014	100	<b>Lesson: 13</b>		
<b>Lesson: 5</b>			• Employability Skills	02/17/2015	100
• Real Property Part III	10/06/2014	100	<b>Lesson: 14</b>		
• Real Property Part IV	10/06/2014	100	• Ethics	02/17/2015	100
<b>Lesson: 6</b>					
• Pleadings in Civil Action Part I	11/24/2014	100			
• Pleadings in Civil Action Part II	11/24/2014	100			
• Practice in Civil Actions	11/24/2014	100			
• Criminal Procedure	12/01/2014	95			
<b>Lesson: 7</b>					
• Wills Part I	12/23/2014	100			
• Wills Part II	01/02/2015	100			

Student Average: 99.51%

**\*\* FINAL \*\***

This Document Issued: 02/18/2015

Blackstone Career Institute

By: Valerie L. Behrle B.S., M.Ed.  
Registrar





**BLACKSTONE CAREER INSTITUTE**  
 1011 Brookside Rd, Suite 300  
 Allentown, PA 18106  
 610-871-0031 FAX: 610-871-0034  
 www.blackstone.edu

## HISTORY

If you search back issues of the World Book Encyclopedia you will find Blackstone listed as one of the oldest correspondence schools in the nation, founded in 1890 as the Blackstone School of Law in Chicago. In the early 1900s, the Modern American Law Series was developed for the program and was enthusiastically received by the legal community and laymen alike as a simple yet authoritative commentary on the law. In the late 1970s, Blackstone became a legal assistant/paralegal school and moved to Dallas Texas. Additional study units on legal research, ethics, and employment skills were added so that graduating students could sit for the Certified Legal Assistant (CLA) exam.

In 2001, Direct Learning Systems Inc., an online publishing company, purchased the Blackstone legal assistant/paralegal school from the retiring owner and relocated to Pennsylvania. Shortly after, the name was changed to Blackstone Career Institute (BCI), currently offering distance education programs in a variety of career fields in addition to continuing legal education courses.

## ACADEMIC CALENDAR

With our daily admissions, students can enroll at any time and start their studies immediately.

## ACCREDITATION

Blackstone Career Institute is an accredited online school; accredited by the Accrediting Commission of the Distance Education and Training Council (DETC), Washington, D.C., regionally accredited by the Middle States Commission on Secondary Schools and is a private licensed school regulated by the Pennsylvania State Board of Private Licensed Schools.

## GRADING SYSTEM

<u>Letter Grade</u>	<u>Numerical Equivalent</u>
A	94-100
B	86-93
C	78-85
D	70-77
F	Below 70

Any student who attains a final average of 94-100% at the end of their career training program will qualify as graduating "with Distinction." The certificate issued upon graduation will note this honor.

## MISSION STATEMENT

"A pioneer in distance education, Blackstone Career Institute has been meeting the needs of adult learners since 1890. The school's mission is to change people's lives through education, teaching them new skills and preparing them for entry-level careers in today's high demand fields. Blackstone offers adult learners convenient and affordable training that accommodates their busy schedules while helping them successfully meet their educational goals. As a nationally and regionally accredited school, we fulfill our mission by providing high-quality, effective, technology-driven distance education programs and services."

## RELEASE OF INFORMATION

In compliance with the Family Educational Rights and Privacy Act of 1974, this information is transferred at the request of the student. The recipient will not permit any other party access to the information without written consent of the student.

**AUTHENTICITY:** This Transcript contains an Indelible Water Mark Logo. It is transparent and visible from both sides. Hold up to light to verify. Attempts to copy this document will result in the word "VOID" appearing on the copy.

**T**

If not you...then who?

If not now...then when?

U R B A N

AKBAR PRAY FOUNDATION FOR CHANGE



The 7 Laws of Money

The 7 Laws of Money

Know Your Rights:  
What To Do If  
You're Stopped By  
Police, Immigration  
Agents or the FBI

Back to Ferguson and Beyond

Not My Child Syndrome



**ISSUE 20**

**November 2014**

# Contents



*Cover Photo by  
Crystal A. Castro*



## **THE URBAN PERSPECTIVE**

**AKBAR PRAY FOUNDATION FOR CHANGE**

- 4      **Mission Statement**
- 5      **Akbar Pray: Back to Ferguson and Beyond**
- 6      **Milagros Milan Harris: Freedom of Choice: Fact or Fiction?**
- 7      **Dr. Ru: The Death of the Game Revisited**
- 8      **Virgilio Llano: The Effects of World Religion...Part2**
- 9      **Marvin Ellison: Not My Child Syndrome**
- 10     **Guy Fisher: Will the U.S. lead the World in Incarceration or Education?**
- 12     **Elizabeth McBride: Think Like a Rich Person**
  
- 13     **Nicole Kenney: Know Your Worth: If we don't know, we can't grow our community**
- 14     **Sir Ken Robinson: How to Escape Education's Death Valley**
- 16     **NPR: One Lawyer's Fight for Young Blacks and 'Just Mercy'**
- 18     **ProPublica: Deadly Force in Black and White**
- 20     **ACLU: Know Your Rights: What To Do If You're Stopped By Police, Immigration Agents or the FBI**
  
- 22     **Nathaniel Brooks: After 23 Year Struggle a Conviction is Reversed**
- 23     **NYT: Nursing Homes Behind Bars**
- 24     **Nicole Flatow: Why the Midterm Election Was Huge for Criminal Justice System**
- 25     **Semaj Thomas: Words by Saint**
- 26     **Omifalade: Life With Children**
- 27     **Sharmon A. Howell: The 7 Laws of Money**
- 28     **Paul Bucheit: Why We Should be Seething with Anger Over Inequality**
  
- 29     **Cory L. Woodfolk: You and the Law**
- 30     **Behind the Wall**
- 31     **Matt O'Brian: Poor Kids who do everything right don't do better than rich kids who do everything wrong**
- 32     **Dan Pacholke: How Prison Can Help Inmates Live Meaningful Lives**
- 34     **Kenneth Chang: Body's Blood Sugar Controls**
- 35     **Fidel: Prince Diary: The Art of Winning**
- 36     **The Urban Perspective: Poetry Showcase**
- 38:     **Akbar Pray's Reading List**
- 39     **Jazz Hayden: Disarm the Police**



With the enactment of the Anti-terrorism and Effective Death Penalty act of 1996 (AEDPA), 110 Stat. 1214, the right of habeas corpus litigants to appeal adverse collateral rulings became significantly curtailed. The Certificate of Appealability or COA, as it is called, requires that an applicant make a "substantial showing of the denial of a constitutional right," 28 U.S.C. 2253(c)(2), by demonstrating that reasonable jurists could debate (or, for that matter, agree) that the petition "should have been resolved in a different manner." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). This threshold inquiry, however, does not require a full consideration of the factual or legal basis of the claim. In fact, the "statute forbids it" *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). Moreover, it is entirely consistent with section 2253 that a COA will issue in some instances where there is no certainty of ultimate relief. *Id.* at 337. Thus, the "question is the debatability of the underlying constitutional claim, not the resolution of that debate." *Id.* at 342. *Cf. Tennard v. Dretke*, 542 U.S. 274, 276 & 282-83 (2004).

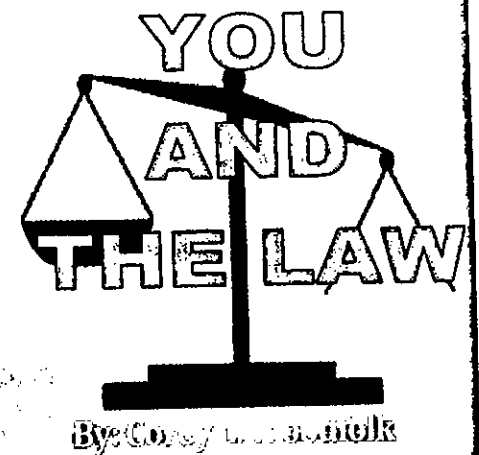
Prior to section 2253's enactment, however, the "statute did not articulate a standard" for obtaining a certificate of probable cause (as it was then called) to appeal. 2 Randy Hertz and James S. Liebman, *Federal Habeas Corpus Practice and Procedure*, 6th ed. section 35.4[b][i] (2013)(Hertz & Liebman). All that was required was for an applicant to make a "substantial showing of the denial of [a] federal right." *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983), superseded by statute, 110 Stat. 1214, as recognized in *Slack*, 529 U.S. at 483-84. There was no concomitant obligation, as is under section 2253(c), to specify each claim that meets the "substantial showing" requirement. See 2 Hertz & Liebman, section 35.4[b][i]. Indeed, a district court could make the substantial showing assessment based upon the habeas petition as a whole. See, e.g., *U.S. v. Alba*, 841 F. Supp. 868, 870 (N.D.Ind. 1994); *Brown v. Booker*, 622 F. Supp. 993, 996-97 (E.D.Va. 1985). But as illuminating as *Barefoot* was, it had not explicitly defined (as a practical matter) what a "substantial showing" entailed. Aside from the requirement that the claim not be frivolous, and that it be debatable amongst jurists of reason, *Barefoot*, 463 U.S. at 892, 893 n.4, many federal courts simply granted or denied CPC's based on whether the petitioner would likely prevail on the merits. See *McCoy v. Lynaugh*, 874 F.2d 954, 967 (CA5 1989); see also *Stephenson v. Witkowski*, 1991 U.S. App. Lexis 30228 (CA4 1991)(unpublished).

Then came *Lozada v. Deeds*, 498 U.S. 430 (1991). There, the Supreme Court held that a defendant can show the debatability of an issue if another court has

decided the claim differently (favorably) than that decided by the court from which his claim was denied. *Id.* at 432. Since then, several courts—post AEDPA, have followed this general principle. *Cf. Allen v. Ornoski*, 435 F.3d 946, 951 (CA9 2006); *Wade v. Robinson*, 327 F.3d 328, 334-35 (CA4 2003)(Gregory, J., concurring). Furthermore, several courts have opined that novel issues, or issues of first impression, may be enough to demonstrate that the issue deserves encouragement to proceed further. See *U.S. v. Thomas*, 713 F.3d 165, 169 (CA3 2013); *Ramos-Martinez v. U.S.*, 638 F.3d 315, 318 & 320 (CA1 2011). Viewed against this liberal backdrop, the number of COA's that are actually granted is staggering. So much so, that a habeas practitioner just recently asked the Supreme Court to do something about it.

*"Encourage all habeas corpus litigants to focus their applications for COA on contrary rulings from other courts or, on issues of first impression."*

In a petition for writ of certiorari filed by Jonathan Laurens, of Kansas City MO, *Johnson v. United States*, Laurens-87 (2014)(ruling below 8th Cir., 5/2/14), Mr. Laurens asked the Supreme Court to decide whether the 'reasonable jurists' test was being faithfully administered in circuits such as the Fourth, which has cited to the test 7,541 times since 1996, while rejecting 7,522 applications for COA (99.75 percent), or in the Eighth, which has held that even its own dissenting judges who vote for a COA do not qualify as reasonable jurists. 95 CLR (BNA) 19 (Aug. 13, 2014). Unfortunately, the Supreme Court did not grant review to address these staggering numbers (and indefensible trends). Habeas litigants are left, therefore, with very little, or simply no review, of the denial of habeas corpus petitions. This is true even in instances where a contrary ruling has been issued by another court. For example, I recently had the pleasure of representing a federal prisoner (we will call him Mike for purposes here) on section 2255. His claim was simple: Counsel was ineffective for providing material misinformation during plea discussions. Specifically, Mike wanted to plead guilty before the commencement of trial, but was told by his attorney that the only way that he could plead guilty was to testify for the government. Mike refused and was subsequently convicted at trial. On section 2255, we



argued that counsel's advice was erroneous because Mike had the right to plead guilty to the indictment as charged. In other words, he had the right to enter an unconditional guilty plea (without the Government offering a plea agreement). See *In re Vasquez-Ramirez*, 443 F.3d 692, 695-96 (CA9 2006)(a court must accept an unconditional guilty plea); *U.S. v. Martin*, 528 F.3d 746, 750 (CA10 2008); *Fed. R. Crim. P. 11(a)(1)*. The District Court nor the Government disagreed with this general proposition. See *Padilla v. Kentucky*, 176 L.Ed 2d 284, 296 (2010)(the duty to "give correct advice is [] clear"). That concession, therefore, effectively removed the performance prong of the Strickland test as an issue. See *Strickland v. Washington*, 466 U.S. 668, 687 (1994).

The District Court concluded, nevertheless, that Mike was not entitled to relief because, in the Court's view, his protestations of innocence cast serious doubts on his claim that he would have pleaded guilty if he had been correctly advised by counsel. In our application for COA, we argued that while the 7th Circuit had not yet addressed the question of whether a defendant's protestations of innocence are enough, standing alone, to defeat his later claim that he would have pleaded guilty, the Second, Sixth, and Eighth circuits had. Compare *Griffin v. U.S.*, 330 F.3d 733, 738 (CA6 2003)(defendant's "repeated declarations of innocence" do not prove that he would not have pleaded guilty); *Mask v. McGinnis*, 233 F.3d 132, 142 (CA2 2000)(protestations of innocence not dispositive), with *Sanders v. U.S.*, 341 F.3d 720, 723 (CA8 2003)(claims of innocence undermined defendant's later claims that he would have pleaded guilty). See also *North Carolina v. Alford*, 400 U.S. 25, 33 (1970)(holding that guilty plea is not inconsistent with a claim of innocence). *Continued on page 30...*

Continued from page 29

because "reasons other than the fact that [a defendant] is guilty may induce a defendant to so plead" (internal citation and quotation marks omitted). Despite our presentation of these precedents, the District Court denied the application for COA without so much as a footnote addressing the contrary rulings in Griffin, Mask and, by implication, Alford. But see *Hernandez v. Johnson*, 213 F.3d 243, 248 (CA5 2000) (an issue is debatable if another court could resolve the issue differently). Of course, we applied to the 7th Cir. for a COA based on these contrary rulings. The application remains pending.

In short, and based upon my 21 years of incarceration, I encourage all habeas corpus litigants to focus their applications for COA on contrary rulings from other courts or, on issues of first impression. Simple recitation and rehashment of the merits of the claim that was presented in the district court is, by all accounts, insufficient to persuade a reviewing court that your claim deserves encouragement to proceed further. Slack, 529 U.S. at 484.

By: Corey L. Woodfolk  
#30079-037  
FCI Otisville  
P.O. Box 1000  
Otisville, NY 10963

### STEP IN MY SHOES

You think you have it so bad, take a step in my shoes.  
Sleep where I sleep, experience my blues.

Hear my whispers of joy, and you'll fall upon death ears.  
Wait around to see me smile and you'll be waiting for years.

Walk a mile in my shoes, and you'll be looking for the sun.  
I'm blinded to happy feelings; I'm lost from having fun.

Feel the pain that I feel and you'll know you have it better.  
Walk a mile in my shoes and you be walking through bad weather.

You claim you have it bad with the little trials that you face.  
Stop just for a moment, come and take my place.

Until you've walked a mile in my shoes you life doesn't compare  
If, you think that you can live the life that I lived,  
You don't have a prayer.

You clap your hands together enjoy our happiness,  
My hands are clasped together with chains around my wrist.

Life is a journey, one to be enjoyed, if your living your life  
Like mines, it is your life that will be destroyed."

Jimmi, James Banzaca 06866-017

Forum for the Often-Silenced Voices From

# BEHIND THE WALL

The finding is that the chameleon and I we exist harmonious,  
both are unaffected by the physics of color,  
but our likenesss anonymous.

The vegan in me..... Yet to an insect it is ominous.

If colors had been the unknown weakness, being without——  
that is prominence, the clear vision unconstrained, that is dominance.  
That is translucence—— clearly depicted, said so by the black skin  
..... In front of a black judge—— Duly convicted.

Know that the smudge of this rainbow...  
It is truly afflicted. It's faction to the line that was true to the picket,  
true to solid...

The oneness of shade I find valor in culture,  
where there is an "S" I'm afraid,  
assuming color to be whiskey, then me I am staid.

Me I am conscious and dreaming by deliberation,  
In an electrified rhythm of my heart beating without defibrillation.  
To breathe that is invigoration, So I breathe..

An air that has no color, through a dictate of destiny that has no other,  
Because our skin... It should have no cover Slad by this... cause said,  
where's the negro he's my brother.  
Is where color has no jurisdiction,  
because the imaginary border is the purest of fiction.  
Recognizing black from white, doesn't cure the addiction.

Thus I am high—— naturally.  
Why be separated when we don't have be,  
See..... I am black and white, actually.  
An interracial woman that remains to be colorless.

Written by Gregory J. Morse

Excerpts from Mental Crack # 1  
No more than one poem a day

Ellen Johnson Sirleaf — "If your dreams do not scare you, they are not big enough."

U



Federal Bureau of Prisons

*Federal Correctional Institution, McKean*

P. O. Box 600  
Otisville, NY 10963

May 15, 2015

To Central File:

This is a letter of recommendation for Mr. Corey Lorenzo Woodfolk, register number 30079-037.

Mr. Woodfolk has been incarcerated at FCI Otisville, Otisville, NY, since January 28, 2008. He has maintained employment as a Unit Orderly since November 2, 2011, where he consistently receives good performance evaluations. Mr. Woodfolk's supervisor has noted is an excellent worker and often does more than he is required.

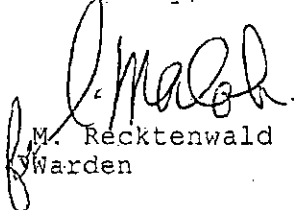
Mr. Woodfolk was awarded a Certificate in Paralegal Studies with Distinction from the Blackstone Career Institute. His paralegal studies included 900 clock hours of coursework required to sit for the Certified Paralegal exam.

Mr. Woodfolk has participated in the Victim Impact Program which is a 16 week program designed to assist offenders in learning about various crimes and the impact it has on victims. They learn how to accept responsibility for their past actions and how to accept responsibility for their past actions and how to positively contribute to their communities in a way that will help prevent future victimization. They learn this through instruction and by participating in Victim Impact Panels so they can hear the impact their behavior has had on others. He completed this program in May 17, 2012. Mr. Woodfolk completed the Young Men Incorporated Leadership Training Academy, in 2011 that provided him the opportunity to be a mentor and facilitator. As a mentor, he has provided guidance and counseling to younger inmates to assist their preparation for reintegration into society. It should also be noted, Mr. Woodfolk has productively used his leisure time to complete hundreds of hours of course work in the education department which includes various adult continuing education such as A Framework for Recovery, The Transcending Addiction Course, Modern Residential Wiring, Commercial Driver's License, Food Preparation, Money Matters and Real Estate Mortgage Broker. He is currently in the Fork Lift Training Class.

Mr. Woodfolk has displayed eagerness and willingness in learning and has completed all tasks asked of him. He continues to seek out additional programming to further his knowledge and practice living a responsible lifestyle.

This letter is to document Mr. Woodfolk's commitment to change and desire to successfully re-enter society.

Sincerely,

  
M. Recktenwald  
Warden





Honorable J Frederick Motz,

July 1, 2015

I met Corey Lorenzo Woodfolk in 1987. Four years after I was blessed to like, love and marry my best friend on December 02, 1991. Corey, has inspired me to be an amazing wife, and friend. His still makes decisions for our future, far as my career, my education, and for our children. He's very influential with any decisions that we make as a family. Corey is our strength and direction. He has become very humble over the years. It has been an extreme pleasure to witness this man get his degree, and represent himself in the Federal Court system. Family is very important to the both of us. We share the same values and beliefs when it comes to our family. We can always count on Corey in every aspect of our lives, and he's always right there to lend a hand. He helps his children and sisters with their projects for college. No one in the family wants to let him down ever. When he speaks he speaks volumes.

Corey, has blessed me with 2 children who has become extraordinary young men. I am their mother not their father. I lack the physical, emotional, social, and spiritual contribution and commitment of a father that gets handed down to his children. I am a mother who has trusted God to make up the difference, leaned on the wisdom of my husband and worked overtime as a woman to attempt to fill in the gaps. Corey, is an amazing man and father. Corey's absence for 22 years has put a great deal of pressure on myself and my 2 sons. The elder son has been incarcerated and addicted to pills. He is now in recovery with 2 beautiful children. The youngest son was a year old when Corey left us. Only knowing his father during visits and phone calls. Growing up without his dad to teach or show him how to be a man depressed him. He graduated with honors from Baltimore Polytechnic Institution. He furthered his education at Delaware University and dropped out in his 2<sup>nd</sup> year due to finances. In Corey's absence he has been a tower of strength and a strong force for me raising my boys alone. I cannot fathom another 22 years without this man.

Sincerely,



Lisa Woodfolk  
24 North Ellamont Street  
Baltimore Maryland 21229

Terry Woodfolk

6732 Fox Meadow Rd

Baltimore, Maryland 21207

June 24, 2015

Dear Honorable Judge Fredrick Motz,

Corey L. Woodfolk has always been a caring, loving, and resourceful brother. Even in the midst of all the dysfunction in our family. Mother, aunts, and uncles using and abusing drugs in our household. We experienced almost everything that comes along with living with practicing addicts. My grandfather who was the backbone in our family passed away suddenly when we were just 15 years of age. Corey was passionate that he had to protect the family at a young age.

Ultimately, turning to the streets, Corey has paid the ultimate price for the negative choices he made. Although he has been gone for 20 years, we are as active in each other lives as we can be. Most of my family has passed on and the new generation which is I, my sister and our kids are thriving. I turned to drug usage for a brief period of time in my life. I sought for help and have 20 years of sobriety and I'm a business owner, and also a productive member of society. Our children are now attending college. I've recently graduated with my associate's degree in Human Resources. Corey also recently obtained his paralegal degree from Black Stone University, which I and my sister funded because we believe in his abilities. We have all had many years to mature in faith and prosper in life, as well as be role models in our family.

Corey Woodfolk has spent most of his childhood and young adulthood locked up. I think Corey would be very productive in our community. He can mentor and attempt to serve our

Terry Woodfolk

6732 Fox Meadow Rd

Baltimore, Maryland 21207

June 24, 2015

young people that are at risk of facing jail time, being institutionalized and even facing death. It is my prayer that Corey will one day get that opportunity. Corey regularly calls home to help guide our sons and daughters on the right path by telling his story and hoping they won't make the same mistakes he did. Thank you in advance for your consideration.

Sincerely,



**Terrys Tiny Tots Daycare**  
6732 Fox Meadow rd Baltio. MD 21207  
410-281-9766



Sherry Wood Silk Carrington  
7125 Eustice Rd  
Rendal 11stown MD  
7-7-15 21133

Dear Honorable Judge,

I am writing on behalf of my brother Cory Wadwell. All of our childhood was filled with drugs, prostitution, guns and any other dysfunction you can think of. My mother used drugs all of our growing up. We watched her, my Aunt and Uncle shoot drugs. We watched all kinds of men run in and out our home. I can remember being put out of each home we lived in with my mother. We were also raised at my Grandmother's home once we were put out of several homes. My Grandfather passed away and that was the end of a safe home. At Grandma's house, my Grandmother let some young men use her house as a drug house to store their stash, they ran in and out our home all day long until one day our house got raided and my Grandmother was arrested. Our door was kicked in by the police and as a result we were unable to lock the door so I had to stay in the house unsafe, scared to sleep.

when I looked back over my life I thought it wasn't that bad but it was because it really affected my brother and twin sister more. They both used drugs and my sister still to this day have a lot of mental issues that she has a psychiatrist. It has also affected my brother in his life style, from using drugs to getting arrested. Also, my dad was never really around because he sold drugs all our life too. My brother didn't have a good role model to follow except my grand father but he died when we were young.

Thank you  
Sherry Woodfolk-Campt

Shaunte Woodfolk

3 Duke of Windsor Ct #101

Baltimore, MD 21207

Dear Honorable Judge Motz,

My name is Shaunte Woodfolk niece of Corey Woodfolk. I am currently 25 years old, with a 3 year old son. When I was two or three years old my uncle Corey was sentenced to 50 years in prison. I spent my life time building a relationship with him behind bars. Even with this barrier I couldn't be any closer to him. I come from a small family with big problems. Every adult member of my family has formally and/or still is stricken with drug abuse and/or incarceration for drug related crimes. My mother and grandmother suffered years of drug abuse along with my great aunts and uncles, all of whom lived in the same home. The home they all lived in was in the inner city of Baltimore where drug dealing and using drove the community. My life specifically was affected by drug use because my mother was a drug user. There were many days in nights I at a very young age fought with my mother to get her life together. I could tell the difference in her when she was "high" even though she masked that life from me the best she could. By age 6 my mother was active in recovery from drug abuse and had started to attend a church. My grandmother also was a victim of drug abuse, she used drugs a lot of my mother and aunts and uncles child life. During her time using drugs she had become infected with HIV. During her road to recovery she dedicated her life and recovery to her family, HIV awareness, and living a life pleasing to God. My grandmother before her death due to Pancreatic Cancer in 2008 had been clean for 20 plus years. My mother prior to my grandmother's death had been clean for over 15 years. During our period of grieving my grandmother the matriarch of our family dying it was a very hard time for everyone. ~~Particularly my mother because she lost everything in my grandmother, as well as divorcing her husband of 10 years.~~ At that time I was about 19 years old I had graduated from high school and started college. I after one year of college I transferred from a college in DC to UMBC in Baltimore County to be closer to home because I seen that things were falling apart. My mother took a stint back to drug use for about 6 months to a year. This was tough to watch since it was like déjà vu to me. I was very disappointed and our relationship suffered. Through all of the years of recovery we all found a peaceful place in God and ministry. We all collectively joined my current church Faith Christian Worship Center about 19 years ago and God has been our family's saving grace. We have committed life to family and ministry. Through the

Pastor Gary G. Johnson

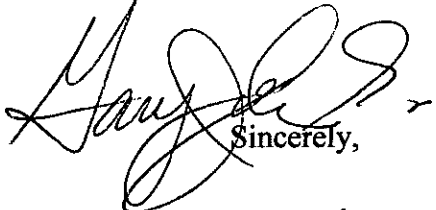
700 North Pulaski Street

Baltimore, Maryland 21217

July 1, 2015

Dear Honorable Judge Fredrick Motz,

I am writing this on behalf of the late Deborah T. Woodfolk (Debbie), the mother of Corey Woodfolk. Debbie served as deaconess at Faith Christian Worship Center (FCWC) for 10 years. I can attest to Debbie expressing one of her reasoning for turning her life around and living a life of sobriety was to help support her son during his time of incarceration. Debbie raised her niece Destiny Woodfolk who currently lives with Terry Woodfolk, after Debbie passed. All of which are dedicated members of the Church FCWC. She did this for as long as I've known her preceding her death. Debbie would often express her regret of not getting clean sooner to be there for her children. She would speak of Corey as a fine, clean cut young man who made a bad decision. I can also attest that one of her great desires was to see her son come home. Unfortunately in 2008 Deborah Woodfolk passed from pancreatic cancer. This was a tragic lost to Corey as well as rest of the family. Debbie Woodfolk lived the last 15 years of her life committed to herself, her church, and her family. She was an absolute delight. Although I did not have the pleasure of meeting Corey, knowing his family I believe he has the potential to turn his life around just as Terry Woodfolk and Deborah Woodfolk did.

  
Sincerely,

410 963-9719  
410233 5072

Honorable J. Frederick Motz,

July 1, 2015

I am Jamil Corey Woodfolk, youngest son of Corey Lorenzo Woodfolk. This letter has taken me quite some time to complete, simply because I could praise my father's character infinitely. So, with that being said I plan to make my testimony here, "Short and Sweet". To begin I will say that I am nothing short of proud to be able to claim my right as his son. He has been a great role model for me for the last 21 years despite his disposition.

The streets put my father in jail when I was two years old and from the time I can remember he has been telling me to stay away from them. I know my father through early childhood and teenage visits but mostly from direct phone conversation. He made sure that he and I would maintain a great father/son relationship, even more so than a lot of my peers that I grew up with. Growing up in the inner city of Baltimore,

not having a father figure present was very common. Not having a father became so common that those rare kids who did have one were ridiculed.

However, I had a father! Physically? No. Emotionally and ~~proper~~ spiritually? Yes! My father has yet to miss a moment in my life, unlike many others. We both wish that he could have been here to actually see and not just hear but I appreciate his effort nonetheless.

When it comes to family my father loves nothing more. At this point in his life and for a very long time now he has been very warm hearted. All he talks about is family, what he wants to do when he is released, love, and wisdom. He constantly motivates me and I'm sure he does the same for others. He is honestly the reason why I will never sell drugs despite my upbringing and environment. He has never praised nor glorified the street life to me, yet always conditioned my perspective to look towards school. I've graduated from Baltimore Polytechnic Institute, and attended both Morgan State and Delaware State Universities. I strive for greatness to make this man proud!

I've probably said too much as of now but I'll point out several vital points to end my excerpt. My father has ALWAYS been there for me, despite being incarcerated since I was an infant. I have no recollection of him being outside of a state facility. I've always said, "Seeing my father outside of jail would be like seeing Jesus to me". Yes, it is that unfathomable. He motivates me in all aspects; career, vision, personal life, etc... He is the guiding light for my family. He is extremely intelligent and I'm not speaking from a biased view, the man is intelligent, clever, wise, quick and witty. He is nothing short of a contender to the more powerful people of today's society. One could compare his transformation from the time he entered jail in 1994 to now to that of a freshman entering college and graduating years later with their Master's degree. I mean, the man is completely reformed; mind, body and soul. I'm not familiar with the young, dangerous, street running Corey that most may recall. However, I am very intertwined with the wise, old as dirt, caring old man that he is today.

My father coming home would change not only my life for the better but my whole family. We could finally, "Go to Disney World" as he used to promise to me when I was a young boy. If there is anything that you can do within your power to help him, it would be more than greatly appreciated. Thank you for your time and consideration, we all thank you.

Sincerely,

James Louis Wright

24 N. Ellanor Street

Baltimore, MD 21229

July 1, 2015